

**THE
CONSTITUTION
OF
NORTHERN IRELAND**

**PART I
THE ORIGIN AND DEVELOPMENT
OF THE CONSTITUTION**

Published by
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GOVERNMENT OF NORTHERN IRELAND



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THE
CONSTITUTION
OF
NORTHERN IRELAND

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IN TWO PARTS
PART I: THE ORIGIN AND DEVELOPMENT
OF THE CONSTITUTION

BELFAST
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PREFACE

THE text of the Government of Ireland Act, 1920, and the enactments amending that Act, does not, when studied alone, afford sufficient material for a full appreciation of the character and tendencies of the Constitution of Northern Ireland. In order to arrive at this it is essential to keep in mind the course of events both before and after the passing of the Act of 1920, the steps by which the Constitution was brought into operation in its present form, and the manner of its actual working. Part I. of this work has been designed to supplement the statutory material in these respects; in Part II. (which will be issued later) it is intended to set forth with annotations the actual text of the constitutional enactments. It is hoped, however, that Part I. may be of assistance in the meantime to students of those enactments.

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Parl. Pro. H. of C.	...		Parliament of Northern Ireland, Votes, Proceedings, and Records of the House of Commons. (Belfast: Published by H.M. Stationery Office in annual vols.)
Parl. Pro. Senate	...		Parliament of Northern Ireland, Minutes of Proceedings and Records of the Senate. (Belfast: Published by H.M. Stationery Office in annual vols.)
S. R. & O.	...		Statutory Rules and Orders, published by authority (H.M. Stationery Office, London).
S. R. & O. [N.I.]			Statutory Rules and Orders of Northern Ireland, published by authority (H.M. Stationery Office, Belfast).
Standing Orders (Commons)			Parliament of Northern Ireland (House of Commons), Standing Orders relating to Public Business. (1924: Published by H.M. Stationery Office, Belfast, H.C.48.)
Standing Orders (Local Bills, etc.)			Parliament of Northern Ireland, Standing Orders of the Senate and of the House of Commons relative to the bringing in and proceedings on Local Bills, Bills for Confirming Provisional Orders or Certificates and Divorce Bills, and Schedule of Fees to be charged. Ordered to be reprinted by both Houses 27th April, 1926. Published by H.M. Stationery Office, Belfast, H.C. 113.
Standing Orders (Senate)			Parliament of Northern Ireland, Standing Orders relating to Public Business of the Senate. Ordered by the Senate to be reprinted as amended, 3rd July, 1922. Belfast, 1922.

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THE CONSTITUTION OF NORTHERN IRELAND

1. INTRODUCTORY

The Act for the Union of Great Britain and Ireland⁽¹⁾ joined two separate kingdoms into one as from the 1st January, 1801, and provided for the representation of this United Kingdom in a single Parliament. The policy which was first known as "the New Departure," and later as "Home Rule," was inspired by dissatisfaction, in varying degrees, with the bond created by the Act of Union, and the majority of legislative proposals for changes in the system of Irish government were put forward to assuage that dissatisfaction. For that purpose Mr. Gladstone's Bills of 1886⁽²⁾ and 1893,⁽³⁾ Mr. Birrell's Irish Council Bill of 1907,⁽⁴⁾ and Mr. Asquith's Government of Ireland Bill

(¹) 39 & 40 Geo. 3, c. 67.

(²) Bill to amend the provision for the future Government of Ireland. Prepared and brought in by Mr. Gladstone, Mr. Secretary Childers, Mr. John Morley, and Mr. Attorney-General, 13th April, 1886. [Bill 181.]

(³) Bill to amend the provision for the Government of Ireland. Prepared and brought in by Mr. Gladstone, Mr. John Morley, Mr. Secretary Asquith, and Mr. Attorney-General, 17th February, 1893. [Bill 209.]

(⁴) Bill to provide for the establishment and functions of an Administrative Council in Ireland and for other purposes connected therewith. Ordered to be brought in by Mr. Birrell, Sir Henry Campbell-Bannerman, Mr. Chancellor of the Exchequer, and Mr. Attorney-General for Ireland, 7th May, 1907. [Bill 182.] The Bill proposed to set up a Council, consisting of eighty-two elected members, twenty-four nominated members, and one *ex-officio* member, to control the departments administering local services in Ireland. It contemplated also the formation of an Irish Fund, to be recruited by annual payments from the Consolidated Fund of the United Kingdom, and to defray local expenditure upon estimates made by the departments and submitted to the Council by an Irish Treasury. The proposal was rejected by a Nationalist Party Convention in Dublin, and abandoned.

of 1912,⁽¹⁾ were introduced; and a desire to improve upon the Act of Union, no doubt, suggested the scheme for "Devolution" which was put forward in 1903.⁽²⁾ It may perhaps be claimed that the Government of Ireland Act, 1920,⁽³⁾ by which a constitution within the United Kingdom has been bestowed upon Northern Ireland, is based upon the earlier legislative proposals which were inspired by the Home Rule policy; but such a claim amounts to no more than this—that various Irish "rejected addresses" may have supplied drafting precedents to the framers of the Bill of 1920. It is, on the other hand, a matter of history that no Home Rule aspirations influenced the Ulster Unionist party in accepting the Act of 1920. That party would have preferred that the Act of Union should remain unaltered; but at a time of political crisis they accepted a local constitution as the only means whereby the close connection of Ulster with Great Britain under the Act of Union could at that time be preserved.

(¹) Bill to amend the provision for the Government of Ireland. Ordered to be brought in by the Prime Minister, Mr. Birrell, Mr. Herbert Samuel, Secretary Sir Edward Grey, Mr. Chancellor of the Exchequer, Mr. Churchill, Mr. Attorney-General, and Mr. Solicitor-General, 16th April, 1912. [Bill 136.]

(²) The "Devolution" scheme was put forward in August, 1903, by the Irish Reform Association under the presidency of Lord Dunraven. It contained proposals to transfer Private Bill Legislation to Dublin on the Scottish plan; to hand over the internal expenditure of Ireland to a financial council consisting partly of nominated and partly of elected members; and to give to an Irish Assembly the initiative in Public Irish Bills. The scheme was ultimately repudiated by Mr. Balfour and Mr. Wyndham.

(³) 10 & 11 Geo. 5, c. 67. This Act is referred to in the footnotes which follow as "1920."

2. PRELIMINARY PROPOSALS FOR SEPARATE TREATMENT OF ULSTER

The various legislative proposals for establishing a separate administration in Ireland—from the Irish Government Bill of the year 1886 to the Government of Ireland Act, 1914⁽¹⁾—contained no provisions for the exclusion of any part of the Province of Ulster from the scheme of administration. From the year 1911 onwards, the questions of the coercion of Ulster and its exclusion from Irish Home Rule came into the field of political discussion. The first attempt to deal with these questions by legislation was made in the year 1914, whilst the Royal Assent to the Government of Ireland Bill was still pending. On the 23rd June in that year the Marquis of Crewe, Lord Privy Seal, introduced into the House of Lords an amending Bill providing for the exclusion of parts of Ulster from the operation of the Government of Ireland Bill for a limited period, by a method of county option.⁽²⁾ The amending Bill empowered the Lord Lieutenant, upon petition from not less than one-tenth of the Parliamentary electors of any county in the Province of Ulster, to cause a poll of the Parliamentary electors in that county to be taken by ballot in the following form:—

“Are you in favour of the exclusion of [your county] from the operation of the Government of Ireland Act, 1914, for a period of six years ?

“Are you against the exclusion of [your county] from the operation of the Government of Ireland Act, 1914, for a period of six years ? ”

⁽¹⁾ 4 & 5 Geo. 5, c. 90.

⁽²⁾ Bill intituled An Act to Amend the Government of Ireland Act, 1914. The Lord Privy Seal (M. Crewe), 23rd June, 1914 (181).

The Bill provided that in the excluded area the executive power of the Crown should, during the period of exclusion, be exercised on behalf of His Majesty by the Lord Lieutenant through such officers and departments as His Majesty might, by Order in Council, direct. It also made provision that the Parliamentary constituencies forming part of the excluded area should continue to return members to serve in the Parliament of the United Kingdom. Lord Crewe's Bill was, in opposition to the Government, completely transformed during its passage through the House of Lords, and when it reached the Commons, on the 14th July, 1914, it provided for the permanent exclusion from the Government of Ireland Bill of the Province of Ulster as a whole. Before the outbreak of war a political deadlock had arisen, and on the 18th September the controversy was shelved by the passing simultaneously of the Government of Ireland Act, 1914, and of a Suspensory Act, which directed that no steps should be taken to put the former Act into operation until the end of the war.⁽¹⁾

In the summer of the year 1916, after the "Easter week" rebellion, certain "Headings of a Settlement as to the Government of Ireland" were printed and presented to both Houses of Parliament.⁽²⁾ These proved abortive, but they deserve mention as representing the first definite proposals for a separate treatment of the six-county area in Ulster which is now known as "Northern Ireland." The headings contained the following proposals:—

"1. The Government of Ireland Act, 1914, to be brought into operation as soon as possible after the passing of the Bill, subject to the modifications necessitated by these instructions.

2. The said Act not to apply to the excluded area, which is to consist of the six counties of Antrim, Armagh,

(¹) 4 & 5 Geo. 5, c. 88. (²) Cmd. 8310. 1916.

Down, Fermanagh, Londonderry, and Tyrone, including the parliamentary boroughs of Belfast, Londonderry, and Newry.⁽¹⁾

3. As regards the excluded area the executive power of His Majesty to be administered by a Secretary of State through such officers and departments as may be directed by Order of His Majesty in Council, those officers and departments not to be in any way responsible to the new Irish Government.

A Committee to be appointed on which both of the Irish Parties are to be represented, to assist the Government in preparing the necessary Orders in Council.

* * * * *

13. All Orders in Council under the new Act to be laid before both Houses of Parliament in the same manner as Orders under the Government of Ireland Act.

14. The Bill to remain in force during the continuance of the war and a period of twelve months thereafter; but if Parliament has not by that time made further and permanent provision for the government of Ireland, the period for which the Bill is to remain in force is to be extended by Order in Council for such time as may be necessary in order to enable Parliament to make such provision.

It is also understood that at the close of the war there should be held an Imperial Conference with a view to bringing the Dominions into closer co-operation with the Government of the Empire, and that the permanent settlement of Ireland should be considered at that Conference."

These proposals were somewhat lacking in clarity, and they were subsequently repudiated by the leaders of the Unionist and Nationalist parties.

The proposal for the exclusion of the entire Province of Ulster from the Home Rule scheme, which the House of Lords had in the year 1914 inserted in Lord Crewe's amending Bill, reappeared in the proceedings of the Irish Convention.⁽²⁾ In March, 1918, the

⁽¹⁾ Ceased to have separate representation after the year 1918. See 7 & 8 Geo. 5, c. 65, s. 1.

⁽²⁾ Report of the Proceedings of the Irish Convention, Dublin. Published by H.M. Stationery Office—Cmd. 9019, 1918, p. 23, para. 37.

provisional conclusions of the Grand Committee of the Convention, on proposals for the future government of Ireland, came up for consideration. Head 2 of the provisional conclusions was as follows:—

“2. *Powers of the Irish Parliament*: The Irish Parliament to have the general power to make laws for the peace, order, and good government of Ireland, subject to the exclusions and restrictions specified in 3 and 4 below.”

On this head Mr. Hugh T. Barrie proposed to exclude from the powers and authority of the Irish Parliament the Province of Ulster, referred to as “the Excluded Area.” Mr. Barrie had on 12th March circulated an outline of a scheme of Irish government based on the amending Bill of 1914,⁽¹⁾ and had placed on the agenda

(1) OUTLINE OF SCHEME OF IRISH GOVERNMENT
BASED ON THE AMENDING BILL, 1914.

1. The Government of Ireland Act, 1914, shall not apply to the Province of Ulster (hereinafter called “The Excluded Area”).

2. The Executive in the Excluded Area shall be under the direction of a Secretary of State, and shall be administered through such officers and departments as His Majesty, on the advice of such Secretary of State, may institute by Order in Council from time to time, such officers and departments to be entrusted with administration in the Excluded Area exclusively.

3. The representation of the Excluded Area in the Imperial Parliament shall be as provided by the Representation of the People Act, 1917.

4. The cost of government in the Excluded Area shall continue to be defrayed by the Imperial Exchequer, to which all taxes in the Excluded Area shall continue to be paid. A proportionate amount shall be deducted from the cost of Irish Services under the Act of 1914, to be ascertained by the Joint Exchequer Board set up by that Act.

5. Judicial power in the Excluded Area shall be exercised, both in the Supreme Court and in County Courts, exclusively by Judges appointed by His Majesty.

6. Civil servants exclusively employed in the Excluded Area at the passing of the Act shall be continued in such employment, and the Civil Service Committee shall allot to the Excluded Area such civil servants not so exclusively employed as they think the requirements of the Excluded Area demand.

7. All members of the R.I.C. serving in the Excluded Area at the passing of the Act shall be formed into a separate force and shall be continued in employment in the Excluded Area, and this

paper a motion to consider it. The motion was not pressed, in view of his amendment to the provisional conclusions, which raised the same issue. This amendment was discussed on 14th and 15th March, and rejected by 52 votes to 19. In the month of April the report of the proceedings of the Convention was issued, and it disclosed a fundamental divergence of views between the Ulster Unionist delegates and the advocates of separate government for Ireland as a whole.

The Irish question remained in abeyance in Parliament until the introduction of the Government of Ireland Bill of 1920, except for two excursions into Irish affairs which were made by the Coalition Government in 1919—a Bill providing that all local government elections in Ireland should be conducted according to the principle of proportional representation, and a Bill for bestowing upon Ireland a form of "gas and water Home Rule," based upon the Private Legislation Procedure (Scotland) Act, 1899.⁽¹⁾ The former of these two Bills became law,⁽²⁾ and at the elections held under it Sinn Féin gained control of local government in the South and West of Ireland; the latter⁽³⁾ made an interesting addition to the collection of rejected Irish legislative proposals.

By the end of the year 1919 serious political crime had broken out in Ireland, whilst at the same time the legislative issue was forced upon Parliament by reason of the terms of the Suspensory Act, 1914—the Act which had deferred the taking of steps to put into

Force shall for the future be recruited in the Excluded Area.
8. Such safeguards which the Southern Unionists regard as necessary shall have the support of the Ulster Unionist Representatives.

⁽¹⁾ 62 & 63 Vict., c. 47. ⁽²⁾ 9 & 10 Geo. 5, c. 19.

⁽³⁾ Bill to provide for improving and extending the Procedure for obtaining Parliamentary Powers by way of Provisional Orders in matters relating to Ireland. Presented by Mr. Macpherson, supported by Mr. Attorney-General for Ireland, Mr. Solicitor-General for Ireland and Mr. Hugh Barrie, 26th May, 1919. [Bill 89.]

operation the Government of Ireland Act of the same year until some date (to be fixed by Order in Council) not later than the end of the great war. Hostilities had already ceased for over a year, and it would soon become incumbent upon the Government to define "the termination of the present war" under the statute passed for that purpose on 21st November, 1918.⁽¹⁾ The fixing of the legal termination of the war would automatically set a limit to the time during which the Government of Ireland Act, 1914, could remain in suspension. Thus the Government were faced with the alternatives of allowing the Act of 1914 to come into operation, or introducing Irish legislation in Parliament. They chose the latter alternative; and, rejecting the expedients of further postponement or repeal of the Act of 1914, they introduced an entirely new measure—the Government of Ireland Bill of 1920.

This Bill took its starting point from the "Headings of a Settlement" of 1916, in so much as it divided Northern Ireland from Southern Ireland upon the six-county basis. It contained, however, a new offer to Ulster Unionism—a separate local Parliament, independent of Dublin. The Bill was introduced in the House of Commons on 25th February, and did not receive the Royal Assent until the 23rd December. The proceedings at Westminster were conducted in an atmosphere of unreality, because the measure failed to correspond with the aspirations of any Irish political party. The Ulster party preferred the Act of Union; the Nationalists repudiated the Bill and adhered to the principles of the Act of 1914 and Home Rule for all Ireland; whilst in Ireland itself the Republican campaign proceeded with increasing intensity.

(¹) 8 & 9 Geo. 5, c. 59.

3. FIRST STEPS TAKEN UNDER THE ACT OF 1920

The Act is described in its title as "an Act to provide for the better Government of Ireland," and in a summary of its main provisions, issued by the Government which secured the passage of the Act,⁽¹⁾ its objects were set out in the following terms:—

"It sets up a Parliament for Northern Ireland (*i.e.*, the counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyrone, and the cities of Belfast and Londonderry) and another Parliament for Southern Ireland (*i.e.*, the rest of Ireland)—a Government for Northern Ireland, to be administered under Ministers who must be members of the Parliament of Northern Ireland and responsible to it, and a Government for Southern Ireland, to be administered under Ministers who must be members of the Parliament of Southern Ireland and responsible to it.

"Although at the beginning there are to be two Parliaments and two Governments in Ireland, the Act contemplates and affords every facility for union between North and South, and empowers the two Parliaments by mutual agreement and joint action to terminate partition and to set up one Parliament and one Government for the whole of Ireland. With a view to the eventual establishment of a single Parliament, and to bringing about harmonious action between the two Parliaments and Governments, there is created a bond of union in the meantime by means of a Council of Ireland, which is to consist of twenty representatives elected by each Parliament and a President nominated by the Lord Lieutenant. It will fall to the members of this body to initiate proposals for united action on the part of the two Parliaments and to bring forward these proposals in the respective Parliaments."

(1) Government of Ireland Act, 1920. Summary of Main Provisions.

In order to enable the constitutional and administrative changes to be made gradually and without abrupt disturbance of existing conditions, the Government of Ireland Act (which, as being the constituent Act, will be referred to below as "the Act") gave power to His Majesty in Council to bring its provisions into force by declaring a series of "appointed days."⁽¹⁾ This provision is of some historical importance, because it left open a fairly wide interval of time for the consummation of the Act—an interval which, as regards Southern Ireland, was, in fact, used not in order to bring the Act into operation, but to prepare the way for setting up an entirely different constitution.

The 3rd May, 1921, was fixed as the appointed day for the establishment both of the Parliament of Northern Ireland and of the Parliament of Southern Ireland.⁽²⁾ It may be convenient first to dispose of the brief statutory history of Southern Ireland as an area of government under the Act. Steps were taken to summon and establish a Parliament for this area similar to the steps taken for Northern Ireland, and described in detail later; but the Parliament of Southern Ireland was never effectively brought into being.⁽³⁾ The Act made express provision for the case

⁽¹⁾ 1920, s. 73. ⁽²⁾ S. R. & O. 1921, No. 533.

⁽³⁾ The Parliament of Southern Ireland was summoned by Royal Proclamation for 28th June, 1921, and met on that day in the Council Chamber of the Department of Agriculture and Technical Instruction in Dublin. Fifteen (out of 64) senators and four (out of 128) members of the House of Commons attended. The Parliament was opened by the Lord Chief Justice and the Master of the Rolls, as Lords Justices in the absence of the Lord Lieutenant, and the Lord Chief Justice delivered a short speech on behalf of the Crown, stating that "when a sufficient number of members have taken the oath the causes of His Majesty calling this Parliament will be declared to you." In the Senate Sir Nugent Everard was chosen as Deputy Speaker, and in the House of Commons Mr. Gerald Fitzgibbon, K.C., acted as Chairman. Each House adjourned till the 18th July, the entire proceedings lasting for about fifteen minutes.

Both Houses met again in the same place on the 18th July, 1921,

(which actually arose) in which a majority of the total number of members of the House of Commons should fail to take the Oath of Allegiance.⁽¹⁾ The Parliament was to be dissolved and a form of Crown Colony government set up; the place of Parliament was to be taken by a Legislative Assembly appointed by His Majesty, whilst the Government was to be administered by the Lord Lieutenant with the assistance of a committee of members of the Irish Privy Council, appointed for the purpose by His Majesty. This provision was not put into operation, and the Parliament of Southern Ireland remained in suspended animation until dissolved in the year 1922 under the authority of the Irish Free State (Agreement) Act of that year.⁽²⁾

In Northern Ireland the Parliament, and the Government responsible to it, were regularly and effectively brought into being. On the 4th May, 1921, a proclamation was issued by the Lord Lieutenant (Viscount FitzAlan of Derwent) declaring in His Majesty's name the calling of a Parliament of Northern Ireland, and making provision for the issue of writs by the Lord Chancellor of Ireland, under the Great Seal of Ireland, for causing the Senators and Commons to be duly returned to, and give their attendance in, a Parliament to meet in Belfast on the 7th June following. The election of members of the House of Commons was held according to the principle of proportional representation as required

when twelve senators and two members of the House of Commons attended. The Lord Chancellor (Sir John Ross) presided in the Senate, and a vote of thanks was tendered to His Majesty on the ground that his gracious words at the opening of the Parliament of Northern Ireland had made possible the then recent cessation of violence in Ireland. The House adjourned without day named "until His Majesty shall be pleased to declare His gracious will and pleasure." A similar procedure took place in the House of Commons, which also adjourned for an indefinite period.

⁽¹⁾ 1920, s. 72.

⁽²⁾ 12 Geo. 5, c. 4.

by the Act,⁽¹⁾ and Sir James Craig (now Viscount Craigavon) and his party were returned with a large majority. On the 7th June, 1921, prior to the first meeting of the new Parliament, the Lord Lieutenant established the Departments of the Government of Northern Ireland (see below, p. 36), and appointed a Minister as the head of each Department, and also various Parliamentary Secretaries.⁽²⁾ The first Cabinet of Northern Ireland was thus constituted as follows:—

Prime Minister ...	...	SIR JAMES CRAIG.
Minister of Finance ...	...	MR. H. M. POLLOCK.
Minister of Home Affairs		SIR R. D. BATES.
Minister of Labour ...	...	MR. J. M. ANDREWS.
Minister of Education ...		THE MARQUESS OF LONDONDERRY.
Minister of Agriculture	}	MR. E. M. ARCHDALE.
and		
Minister of Commerce		

Prior to their assumption of office, such of these Ministers as were not already members of the Privy Council of Ireland, were, in compliance with the Act,⁽³⁾ sworn of that Council. When the Parliament met for the first time on the same day in the City Hall, Belfast, the proceedings followed closely the ceremonial adopted in the case of the Parliament of the United Kingdom.⁽⁴⁾ After the reading of the proclamation calling the Parliament, the Lord Lieutenant commanded the members of the House of Commons to proceed to the choice of a Speaker, and to present for His Majesty's royal approbation the person whom they might choose. The House then proceeded to the election of a Speaker (Major the Hon. Hugh O'Neill), the formalities of election being similar to those which

(1) 1920, s. 14 (3).

(2) Belfast Gazette, June 7, 1921.

(3) 1920, s. 8 (4).

(4) Parl. Pro. (Senate and H. of C.); see also Anson, *Law and Custom of the Constitution*, vol. I., 5th ed.; M. L. Gwyer, Oxford, Clarendon Press, 1922.

take place in the case of the election of a Speaker at Westminster. The Speaker claimed, and the Lord Lieutenant on behalf of His Majesty confirmed, "all the ancient and undoubted rights and privileges" assured to the Commons of Northern Ireland. The elected members of the House of Commons who were in attendance took the oath and proceeded, under regulations of the Speaker,⁽¹⁾ to elect the twenty-four elective members of the Senate, which body met for the first time on the 20th June. The Senators, after taking the oath, elected their Speaker (the Marquess of Dufferin and Ava) and adjourned until June 22nd. On that day the Senate met for the formal opening of Parliament by the King in person, accompanied by the Queen; and after prayers, the King being seated on the throne, and the Commons being at the Bar with their Speaker, His Majesty was pleased to deliver a most gracious message to both Houses of Parliament, and then retired. On the following day the Senate met again, when, the Commons being at the Bar with their Speaker, the Lord Lieutenant read His Majesty's most gracious speech to both Houses of Parliament, and then retired. On their return to their own chamber, the House of Commons, following the Westminster precedent, asserted their right to deal with other matters than those referred to in His Majesty's speech by reading for the first time a Bill "for the more effectually preventing clandestine outlawries." Both Houses subsequently presented addresses to His Majesty expressing their thanks for the message and speech.

(1) These regulations were made in pursuance of S.R. & O. 1921, No. 729 (3), and are set forth in the Belfast Gazette of June 7, 1921.

4. THE PARLIAMENT OF NORTHERN IRELAND

The Parliament consists of His Majesty and the two Houses.⁽¹⁾

It is the function of the representative of the Crown in His Majesty's name to summon, prorogue, and dissolve the Parliament,⁽²⁾ and also to give and withhold the Royal Assent to Bills passed by the Senate and House of Commons. This function is subject to the following limitations:—

(a) the representative of the Crown is to comply with any instructions given by His Majesty in respect of any Bill; and

(b) he must, if so directed by His Majesty, reserve any Bill for the signification of His Majesty's pleasure.⁽³⁾

There must be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and their first sitting in the next session.⁽⁴⁾

The House of Commons when summoned is to have, unless sooner dissolved, continuance for five years from the day on which the summons directs the House to meet, and no longer.⁽⁵⁾ The statutory term of office of a senator is not affected by a dissolution.⁽⁶⁾

The Senate is composed of two *ex-officio* senators (the Lord Mayor of Belfast and the Mayor of Londonderry), together with twenty-four senators elected by the members of the House of Commons according to the principle of proportional representation. The term of office of every elected member is eight years. One-half of the members retires at the end of every

⁽¹⁾ 1920, s. 1 (1). ⁽²⁾ 1920, s. 11 (2). ⁽³⁾ 1920, s. 12.

⁽⁴⁾ 1920, s. 11 (1). ⁽⁵⁾ 1920, s. 14 (4).

⁽⁶⁾ 1920, s. 18 (3), 4 Sched., 2 (c).

fourth year, the members to retire at the end of the first four years having been selected by lot.⁽¹⁾ The Senate elects one of its members to be Speaker, who retains the office so long as he remains a senator, unless removed by a resolution of the Senate passed by a majority of the total number of the whole body. The Senate also appoints one or more of its members to be Deputy Speakers. When the Senate is sitting as a Committee the Speaker acts as its Chairman.⁽²⁾ A salary of £1,000 per annum has been provided for the Speaker by an Act of the Parliament of Northern Ireland, and is charged upon the Consolidated Fund.⁽³⁾ The powers, privileges, and immunities of the Senate, and of its members and committees, are those held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, until otherwise defined by Act of the Parliament of Northern Ireland.⁽⁴⁾

No salary attaches to the office of senator; but on March 18th, 1924, the House of Commons adopted the following resolution:—

“That, in the opinion of this House, as and from the beginning of the current financial year, provision shall be made for the payment at the rate of £2 2s. *per diem* to each member of the Senate who has subscribed to the necessary Oath and taken his seat, in respect of incidental expenses and expenses incurred in travelling from the country to Belfast for attendance at meetings of the Senate or committees, excluding any member who is for the time being in receipt of a salary as an officer of the Senate or a member of the Government; provided that the total of such payments of £2 2s. *per diem* made to any member of the Senate shall not exceed the sum of eighty guineas in any one year.”⁽⁵⁾

⁽¹⁾ 1920, s. 13 (2) (3), 3 Sched. and 4 Sched.

⁽²⁾ Standing Orders (Senate) I., II., XXX.

⁽³⁾ 12 Geo. 5, c. 7 [N.I.]. ⁽⁴⁾ 1920, s. 18 (1).

⁽⁵⁾ Parl. Pro. H. of C. On March 22nd, 1928, the House of Commons resolved that an additional £100 *per annum* should be paid to any member of the Senate making a declaration of insufficiency of means.

The House of Commons consists of fifty-two members elected by the same electors, voting in the same constituencies, as for the thirteen members who represent Northern Ireland in the Parliament of the United Kingdom (see below, page 32), except that elections for the local Parliament are conducted according to the principle of proportional representation.⁽¹⁾

The Act provided that the law relating to elections, constituencies, and the distribution of the members amongst the constituencies, should not be alterable by the Parliament of Northern Ireland until three years after the first meeting of that Parliament, and then only with the proviso that the total number of members should not be altered, and that any new distribution of members amongst the constituencies should be governed by the consideration of the population of the constituencies.⁽²⁾ The Parliament has not as yet (1928) exercised its right to make any changes in regard to elections and the electorate for Parliamentary duties.

The House of Commons has a Speaker and a Chairman of Ways and Means, exercising similar functions to those of the Speaker and Chairman of Ways and Means at Westminster. The Speaker's salary of £2,000 per annum is charged by an Act of the Parliament of Northern Ireland upon the Consolidated Fund.⁽³⁾ A salary of £1,500 is voted annually to the Chairman. The powers, privileges, and immunities of the House of Commons, and of its members and committees, are those held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, until otherwise defined by Act of the Parliament of Northern Ireland.⁽⁴⁾

A member of the House of Commons draws no

⁽¹⁾ 1920, s. 14 (2) (3).

⁽³⁾ 12 Geo. 5, c. 8 [N.I.].

⁽²⁾ 1920, s. 14 (5).

⁽⁴⁾ 1920, s. 18 (1).

salary in that capacity, but on Thursday, March 29th, 1923, the House adopted the following resolution:—

“That, in the opinion of this House, as and from the beginning of next financial year, provision should be made for the payment of Two Hundred Pounds a year in respect of expenses to every member of this House who has subscribed to the necessary Oath and taken his seat, excluding any member who is for the time being in receipt of a salary as an officer of the House or a member of the Government.”⁽¹⁾

LEGISLATIVE PROCEDURE.

(a) *Public Bills*: Procedure in the Senate is governed by Standing Orders of the House, which generally assimilate the practice of the House of Lords at Westminster.⁽²⁾ Procedure in the House of Commons is regulated on certain points by Standing Orders, modelled upon the Standing Orders of the House of Commons at Westminster,⁽³⁾ while its proceedings generally are, by resolution of the House, governed by the law and practice as stated in the 12th edition of Sir Erskine May's work on Parliamentary Practice.⁽⁴⁾ A Minister may sit and speak in both Houses of Parliament, but he may move and vote only in that House of which he is a member.⁽⁵⁾

(b) *Private Bills*: The system of private legislation follows for the most part that which governs similar legislation at Westminster, and the dates for the deposit of such Bills are based on the Westminster dates. The Senate and the House of Commons have jointly framed Standing Orders relative to Private Bills (termed in the Orders “Local Bills”).⁽⁶⁾ Every Private Bill is originated in the House of Commons,

⁽¹⁾ Parl. Pro. H. of C. ⁽²⁾ Standing Orders (Senate).

⁽³⁾ Standing Orders (Commons).

⁽⁴⁾ Parl. Pro. H. of C., June 7, 1921.

⁽⁵⁾ 1920, s. 18 (4).

⁽⁶⁾ Standing Orders (Local Bills, etc.)

and there is a further important modification of the practice at Westminster, inasmuch as each Bill undergoes only one committee stage after having previously been introduced and read a second time in both Houses. Proceedings in committee are conducted before a Joint Committee of both Houses. The Joint Committee on an unopposed Bill consists of two senators appointed by the Senate, one member of the House of Commons appointed by that House, and the Chairman of Ways and Means, who is the chairman of the Committee. The Joint Committee on an opposed Bill consists of three senators appointed by the Senate, and three members of the House of Commons appointed by that House; the Committee chooses its own chairman.

Special Joint Standing Orders have been adopted with regard to Divorce Bills, it having been recognised that the legislative power in this matter has passed from the Parliament at Westminster to the Parliament of Northern Ireland.⁽¹⁾ A Divorce Bill must be introduced upon a petition signed by the party to the marriage who desires its dissolution, and must be based upon a decree of separation given by a competent Court. The Joint Committee on Divorce Bills is appointed at the commencement of each session, and consists of the Speaker of the Senate, four members of the House of Commons appointed by that House, and three other members of the Senate appointed by the Senate. The Speaker of the Senate is the chairman of the Committee, and in his absence the chair is to be taken by such member as the Committee may choose. Three members, of whom the chairman must be one, form the quorum.

The Westminster enactments governing the deposit of money, the deposit of documents, the taxation of

⁽¹⁾ Standing Orders (Local Bills, etc.), Part XIII., p. 51.

costs, and the costs of promotion of Bills by local authorities, have been specifically applied, with modifications, by an Act of the Parliament of Northern Ireland.⁽¹⁾

(c) *Money Bills*: Bills imposing taxation or appropriating revenue can originate only in the House of Commons. That House cannot adopt or pass any Vote, Resolution, Address, or Bill for the appropriation for any purpose of any part of the public revenue or of any tax, except in pursuance of a recommendation from the Crown. The Senate may not amend any Bills so far as they impose taxation or appropriate revenue, and may not amend any Bill so as to increase proposed charges or burdens on the people. To prevent tacking, any Bill which appropriates revenue must deal only with that appropriation.⁽²⁾

(d) *Disagreement between the two Houses*: If a public Bill from the House of Commons is rejected by the Senate in two successive sessions, the Act provides for the holding of a joint sitting of the two Houses, at which the members present may deliberate, and shall vote together, upon the Bill as last proposed by the House of Commons, and upon any amendments which may have been made therein by one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members present are to be taken to have been carried. If the Bill, with any such amendments, is affirmed by a majority of the total number of members of the two Houses present at the sitting, it is to be taken to have been duly passed by both Houses. In the special case of a Money Bill, the joint sitting may be convened during the same session in which the Senate have rejected or failed to pass the Bill.⁽³⁾

(¹) 14 & 15 Geo. 5, c. 9. (²) 1920, s. 16. (³) 1920, s. 17.

LEGISLATIVE POWERS.

The Parliament has power to make laws for the peace, order, and good government of Northern Ireland in matters relating exclusively to Northern Ireland, except certain matters which are definitely excluded from its powers by the Government of Ireland Act.⁽¹⁾ The excluded matters fell, according to the Act as originally passed, into three classes:—

(a) Matters of Imperial concern which are called *excepted* matters: amongst these are to be found the Crown; the making of peace or war; the naval, military, or air forces, and the defence of the realm; the election laws and laws relating to the qualification of Parliamentary electors, so far as they relate to the election of members returned by the constituencies in Northern Ireland to the Parliament of the United Kingdom; relations with foreign States or with other parts of the British Empire; alienage and naturalisation; trade with places outside Northern Ireland; submarine cables; wireless telegraphy and aerial navigation; lighthouses; coinage; legal tender; negotiable instruments; trade marks; copyright and patent rights.

(b) Certain matters which are *reserved* to the Imperial Parliament as falling within the following categories:—⁽²⁾

(i) the matters arising out of the reserved taxation mentioned below;

(ii) matters whose transfer to the Parliament of Northern Ireland was deferred, in view of the possibility of a united Parliament being established for all Ireland under the provisions of the Act, namely:—the Supreme Court; the postal service; the Post Office Savings Bank; designs for stamps; the registration of deeds, and the Public Record Office of Ireland;

⁽¹⁾ 1920, s. 4; s. 19 (b).

⁽²⁾ 1920, ss. 4 (1) (14), 9, 47.

(iii) the general subject-matter of the Land Purchase Acts, which was made a reserved matter pending the completion of land purchase;

(iv) the Royal Irish Constabulary and the management and control of that force, and the administration of the Acts relating thereto; these were to be reserved matters for a period not exceeding three years, but in the year 1922 the force was disbanded.

(c) Matters within the legislative powers of the Council of Ireland.⁽¹⁾ [In the hope of securing uniform administration throughout Ireland, three matters were placed by the Act within the exclusive legislative jurisdiction of the Council of Ireland, namely, Railways, Fisheries, and Contagious Diseases of Animals. The Articles of Agreement of December, 1921, expressly preserved the Council of Ireland to the extent to which its functions were concerned with Northern Ireland, but abolished its functions as respects Southern Ireland.⁽²⁾ Nevertheless, the twenty representatives who were, under the Act, to be drawn from the Southern Ireland Parliament, were to be appointed by the Parliament of the Irish Free State. This anomalous arrangement was postponed, at the time of the enactment of the Irish Free State Constitution, for a period of five years, in the hope of some further settlement being achieved by joint action of the two Irish Parliaments. A later agreement provided for the transfer to the Parliament of Northern Ireland of the Council's legislative powers. The Council was, in fact, never properly constituted, and as from the 1st April, 1926, ceased to have a statutory existence.⁽³⁾]

⁽¹⁾ 1920, ss. 2, 7, and 10, and 1 Sched. ⁽²⁾ See below, p. 58.

⁽³⁾ See below, p. 60. It may be noted here that 1920, s. 2 (1), provided that the election of members of the Council of Ireland should be the first business of the Senates and Houses of Commons. In Northern Ireland on 23rd June, 1921, each House elected by ballot its respective representatives—*i.e.*, 7 Senators and 18 Members of the House of Commons. See Parl. Pro. (Senate and H. of C.).

In addition to the provisions which limit the legislative power of the Parliament of Northern Ireland by reference to subject-matter, the Act contains provisions—in the nature of safeguards for minorities—which limit that power by reference to the possible effects of its exercise. Thus the Parliament is prohibited from making laws so as to interfere with religious equality; as, for instance, establishing or prohibiting the exercise of any particular form of religion, or making a discrimination as respects State aid between schools of different religious denominations.⁽¹⁾ It is prohibited also from taking property without giving compensation.⁽²⁾ Further, the Act contains special safeguards in favour of the Queen's University of Belfast,⁽³⁾ the Order of Freemasons,⁽⁴⁾ and existing or pensioned officers of local authorities and the University.⁽⁵⁾

(1) 1920, s. 5 (1); 12 Geo. 5, c. 4, Sched. (16).

(2) *Ibidem*.

(3) 1920, s. 64.

(4) 1920, s. 65 (2).

(5) 1920, s. 68.

5. REPRESENTATION IN HOUSES OF COMMONS

The Act made provision for the continuance of the representation of constituencies in Northern Ireland in the House of Commons of the United Kingdom.⁽¹⁾ This was a logical consequence of the retention by the legislature at Westminster of powers over Northern Ireland to the extent already explained. The Act did not, however, make any attempt to prevent the Northern Ireland members from deliberating or voting upon bills, motions, or resolutions as to matters exclusively affecting Great Britain. A provision of this kind appeared in the Irish Government Bill which was introduced by Mr. Gladstone in February, 1898, but it was removed from that Bill in Committee.⁽²⁾

(1) 1920, s. 19.

(2) [Bill 209.] Clause 9.

(3) An Irish representative peer in the House of Lords and a member of the House of Commons for an Irish constituency shall not be entitled to deliberate or vote on—

(a) any Bill or motion in relation thereto, the operation of which Bill or motion is confined to Great Britain or some part thereof; or

(b) any motion or resolution relating solely to some tax not raised or to be raised in Ireland; or

(c) any vote or appropriation of money made exclusively for some service not mentioned in the Third Schedule to this Act; or

(d) any motion or resolution exclusively affecting Great Britain or some part thereof, or some local authority or some person or thing therein; or

(e) any motion or resolution, incidental to any such motion or resolution as either is last mentioned, or relates solely to some tax not raised or to be raised in Ireland, or incidental to any such vote or appropriation of money as aforesaid.

(4) Compliance with the provisions of this section shall not be questioned otherwise than in each House in manner provided by the House.

The Act made provision for reducing the representation of Northern Ireland constituencies in the House of Commons from thirty members, which was the number arrived at under the Redistribution of Seats (Ireland) Act, 1918, to thirteen members. This reduction in membership was to be deferred to a day not earlier than the day on which the Parliament of the United Kingdom should be next dissolved after the passing of the Act⁽¹⁾; it took effect, in fact, as from the 26th October, 1922—the day on which the next dissolution was proclaimed.⁽²⁾

The following table shows the constituencies in Northern Ireland, with their representation in both Parliaments⁽³⁾ :—

	Members of Parliament of Northern Ireland.	Members of Parliament of United Kingdom.
Belfast County Borough :		
East	4	1
North	4	1
South	4	1
West	4	1
Antrim County	7	2
Armagh County	4	1
Fermanagh and Tyrone Counties	8	2
Londonderry County (including the County Borough of Lon- donderry)	5	1
Down County	8	2
The Queen's University of Belfast	4	1
Total ..	52	13

⁽¹⁾ 1920, s. 19. ⁽²⁾ S. R. & O. 1922, No. 1230.

⁽³⁾ 1920, s. 14 (2), 19, and 5 Sched., Part II.

Between the years 1918 and 1922 the representation of the Northern Ireland Constituencies at Westminster was as follows⁽¹⁾ :—

				Number of Members.
Belfast County Borough	..	..	..	9
Londonderry County Borough	..	..	..	1
Antrim County	..	..	..	4
Armagh County	..	..	..	3
Down County	..	..	..	5
Fermanagh County	..	..	..	2
Londonderry County	..	..	..	2
Tyrone County	..	..	..	3
Queen's University of Belfast	..	..	..	1
				<hr/>
Total	..	..	..	30
				<hr/>

(1) 7 & 8 Geo. 5, c. 65, and previous enactments, including 48 & 49 Vict., c. 23.

6. THE EXECUTIVE GOVERNMENT

The Act contemplated the appointment of one representative of the Crown—the Lord Lieutenant—as the Chief Executive Officer over all Ireland, for whose actions in Southern and Northern Ireland the Ministers of each area were to be responsible to the respective Parliaments. Henceforth no subject of His Majesty was to be disqualified from holding the office of Lord Lieutenant on account of his religious belief. The term of office of the Lord Lieutenant was to be six years, his continuance in office not to be affected by any change of Ministry. The salary and expenses of the Lord Lieutenant were made payable out of moneys provided by the Parliament of the United Kingdom, with a contribution from the Irish share of revenue.⁽¹⁾ Under these conditions Lord FitzAlan was appointed as Lord Lieutenant in April, 1921. In Southern Ireland the constitution of the Irish Free State came into force by Royal Proclamation in December, 1922, and by virtue of consequential legislation⁽²⁾ Lord FitzAlan's tenure of office came to an end. A new office—that of Governor of Northern Ireland—was created and endowed, as respects Northern Ireland, with the functions of the Lord Lieutenant. The salary of the office was fixed at £8,000 annually, inclusive of the salaries and allowances of members of the personal staff of the Governor. Towards the payment of this salary £2,000 is deducted annually from the Northern Ireland residuary share of reserved taxes. At the same time a Privy Council of Northern Ireland was created, to take, in the scheme of government, the place of the Irish Privy Council.

⁽¹⁾ 1920, ss. 8, 37.

⁽²⁾ 13 Geo. 5, c. 2 (Session 2).

On the 9th December, 1922, the Duke of Abercorn was appointed Governor of Northern Ireland. Letters Patent were issued, defining the powers and position of the Governor in the Constitution,⁽¹⁾ and he received, under the Royal Sign Manual and Signet, his Commission and Instructions as to the exercise of his functions.

(1) The Letters Patent constituting the office of Governor of Northern Ireland were passed under the Great Seal of the United Kingdom. The powers of the office were bestowed in the following terms:—

“We do hereby authorise and command the Governor for the time being of Northern Ireland (hereinafter referred to as Our said Governor) to do and execute in due manner as respects Northern Ireland all things which by virtue of the Principal Act [*i.e.*, the Act of 1920], and Our said Letters Patent of the 27th day of April, 1921, or otherwise belonged to the office of Lord Lieutenant at the time of the passing of the Irish Free State Constitution Act, 1922, and the Supplemental Act [*i.e.*, the Irish Free State (Consequential Provisions) Act, 1922], or which belong to the said office of Governor by virtue of the Supplemental Act and these present Letters Patent according to the several powers and authorities in that behalf granted by virtue of the Principal Act as the same is modified by the Supplemental Act and by virtue of these present Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council or by Us through one of Our Principal Secretaries of State and to such laws as are or may hereafter be in force in Northern Ireland.”

It will be noticed that the powers are described in general terms, and that this description depends in part upon a previous instrument—the Letters Patent of 27th April, 1921, which constituted the office of Lord Lieutenant of Ireland under the Act of 1920. The corresponding provision of this previous instrument is as follows:—

“We do authorise and command Our Lord Lieutenant to do and execute all things which by the right, usage, and custom of Ireland have heretofore appertained to the office of Lord Lieutenant or which may appertain thereto by virtue of the said recited Act [*i.e.*, the Act of 1920], according to the several powers and authorities granted to him by virtue of the said Act and of these present Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, subject to such Instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council or by Us through one of Our Principal Secretaries of State, and to such laws as are or may hereafter be in force in Ireland or in Southern Ireland or in Northern Ireland.”

The delegation of executive power which is effected by the Letters Patent must be assumed to cover all services transferred under the Act.

All executive and administrative powers as respects matters over which the Parliament of Northern Ireland has jurisdiction remain vested in the Crown, and are exercised by the Governor through the departments which had been established by the Lord Lieutenant on the 7th June, 1921.⁽¹⁾ The functions assigned to these departments on that day may be summarised as follows:—

1. The Department of the Prime Minister is the channel of communication between the Governor and the Cabinet of Northern Ireland, and between that Cabinet and the Ministries of Northern Ireland, and forms the Cabinet Secretariat.

2. The Ministry of Finance administers the financial business of the Government of Northern Ireland, discharging functions corresponding generally to the functions of the Treasury of the United Kingdom. It also administers the business of the Government in connection with taxation, and has various administrative functions taken over from the following Irish authorities: Treasury Remembrancer, Superintendent of the Teachers' Pension Office, Irish Land Commission, Stationery Office, Development Commissioners, Commissioners of Public Works, Registrar General, Commissioner of Valuation, Commissioners of Charitable Donations and Bequests.

3. The Ministry of Home Affairs administers services in connection with law and justice; prisons, reformatory and industrial schools; firearms and explosives; roads, road transport, ferries and bridges; local government and home affairs generally. This Ministry

⁽¹⁾ See the Belfast Gazette, published by authority, Tuesday, June 7, 1921, which contains, under the head of "Notifications," the following two notices, "published for general information":—

(No. 1.) Establishment of Departments and Appointment of Ministers of Northern Ireland.

(No. 2.) Assignment of Functions to Departments.

These proceedings derived their authority from s. 8 (3) (b) of 1920.

administers the functions taken over from the following Irish authorities: General Prisons Board, Inspector of Reformatory and Industrial Schools, Registrar of Petty Sessions Clerks, Inspectors of Lunatics, Local Government Board.

4. The Ministry of Labour administers services in connection with trade disputes, Trade Boards, Employment Exchanges, factories and workshops, workmen's compensation, national health insurance, unemployment insurance, and matters relating to labour and employment generally. This Ministry administers the functions taken over from the Irish Insurance Commissioners.

5. The Ministry of Education administers services in connection with education and science and art (including technical instruction). This Ministry administers the functions taken over from the following Irish authorities: Commissioners of National Education, Intermediate Education Board, Commissioners for Education (Endowed Schools).

6. The Ministry of Agriculture administers services in connection with agriculture and other rural industries, agricultural wages, and Ordnance Survey. This Ministry administers the functions taken over from the Forestry Commissioners.

7. The Ministry of Commerce administers services in connection with companies (including assurance companies), limited partnerships, newspaper proprietors, money lenders, art unions, friendly societies, gas works, water works, electricity, coal and metalliferous mines, canals, water-ways, inland navigation, boiler explosions, registration of business names, and commercial matters generally.

Since the "Assignment of Functions to Departments" was first issued, a few additional matters have come within the scope of the local administration. A new

service devolved upon the Ministry of Home Affairs in the year 1922 when the Royal Ulster Constabulary was established.⁽¹⁾ Widows', Orphans', and Old Age Contributory Pensions are administered by the Ministry of Labour under an Act of the year 1925,⁽²⁾ and in the same year the Ministry of Finance took over from the Ministry of Home Affairs the local functions in connection with the Irish Sailors and Soldiers Land Trust.⁽³⁾ As from the 1st April, 1926, the executive powers of the Council of Ireland passed over to the Government of Northern Ireland, and the Northern Ireland Parliament provided⁽⁴⁾ that the powers with respect to railways and fisheries should be exerciseable by the Ministry of Commerce, and those with respect to the contagious diseases of animals exerciseable by the Ministry of Agriculture. In order to remove doubts as to the effect of the original assignment, the Northern Ireland Parliament in 1925 declared the Ministry of Commerce to be the department for the administration of services in connection with harbours, docks, and piers.⁽⁵⁾ In the same year the salaries and remuneration of the officers and servants of each department, and the expenses of each department, were charged in general terms upon moneys voted by the Parliament.⁽⁶⁾ The salaries of Ministers, Parliamentary Secretaries, and the Attorney-General had already been provided for by an Act passed in December, 1921; these were fixed at the scale recommended by a Select Committee, whose report was adopted by a resolution of the House of Commons on 1st December, 1921, and minor amendments of the original statute have since been made.⁽⁷⁾

It will be seen from the above description that, within

(1) 12 & 13 Geo. 5, c. 8 [N.I.]. (2) 15 & 16 Geo. 5, c. 28 [N.I.].

(3) 15 & 16 Geo. 5, c. 3 [N.I.]. (4) 16 Geo. 5, c. 4 [N.I.].

(5) 15 & 16 Geo. 5, c. 3 [N.I.]. (6) *Ibid.*, s. 4.

(7) Parl. Pro. H. of C.; 12 Geo. 5, c. 9; 13 & 14 Geo. 5, c. 18; 17 Geo. 5, c. 5 [N.I.].

the seven departments, there reside the functions of a much larger number of authorities which formerly existed as separate departments or boards. The transfer of the functions was authorised by the Act, but the instruments effecting the transfer made provision, as a matter of legal necessity, for the establishment of various separate branches within each department, which took over groups of functions formerly residing in separate authorities. These branches were, in fact, never established, and by one of the earliest Acts of the Parliament of Northern Ireland provision was made for their abolition, and for the direct administration of the functions of each branch by the appropriate Ministry.⁽¹⁾ This Act, which abolished the branches, recognised at the same time that it might be necessary to endow particular officers with a limited responsibility, corresponding to the responsibility of some former authority. It, therefore, enabled the Minister of each Ministry to assign specified powers or duties of his Ministry to an officer or committee appointed for that purpose. Under this power various special appointments have been made; *e.g.*, those of Registrar-General, Commissioner of Valuation, and Registrar of Friendly Societies.

(¹) 12 Geo. 5, c. 6 [N.I.].

7. THE TRANSFER OF SERVICES

The Act, as already explained, enabled the transfer of the administrative services to be accomplished by means of Orders in Council declaring "appointed days." Although the Parliament and Government of Northern Ireland were brought into being by such orders during the months of April, May, and June, 1921, the declaration of appointed days for bringing about the transfer of administration was postponed for several months. The reason for this delay was the refusal of Southern Ireland to "work the Act," an occurrence to which reference has already been made. His Majesty, when he opened the Parliament of Northern Ireland, included in his message the following aspiration:—

"It is My earnest desire that in Southern Ireland, too, there may ere long take place a parallel to what is now passing in this Hall; that there a similar occasion may present itself and a similar ceremony be performed."⁽¹⁾

Within a few weeks, however, the British Government entered into negotiations with representatives of the party in Southern Ireland which had refused to recognise the Act—negotiations which ultimately resulted in the conclusion of the "Articles of Agreement for a Treaty between Great Britain and Ireland," which were signed on the 6th December, 1921, on behalf of British and Irish delegations, and subsequently received statutory force on the 31st March, 1922.⁽²⁾ During the progress of the negotiations which led up to this agreement, the operation of the Act had remained in a state of suspense. The delay in fixing appointed days for the transfer of administration was in part due to provisions of the Act which contemplated

⁽¹⁾ Parl. Pro. Senate, 22 June, 1921.

⁽²⁾ 12 Geo. 5, c. 4.

the taking of action *pari passu* in Northern Ireland and Southern Ireland; but it may be ascribed in part to a hope that Northern Ireland might be willing, whilst retaining the constitution already granted to her, to become a federated part of an all-Irish Dominion. That such a hope was entertained outside Northern Ireland is shown by the form of the Articles of Agreement, which purported to include within their terms the whole of Ireland, subject to provisions either for the withdrawal of Northern Ireland by express resolution, or for the setting up within the new State of a subordinate Parliament and Government of Northern Ireland. It is a matter of history that the former alternative was subsequently adopted, and forms the basis of the existing constitution. The Government of Northern Ireland in the meantime declined to consider constitutional changes, insisted that any new settlement must respect her rights under the Act, and pressed for the speedy transfer of the administration in all its branches. Accordingly, a series of appointed days was declared by Order in Council, with the result that the various administrative powers were transferred on different dates, beginning with the 22nd November, 1921, and ending with 1st March, 1922.⁽¹⁾

To form the basis of the Civil Services of the two new Governments, the Act provided that the civil servants employed in the existing Irish public departments should be transferred (with safeguards as to their conditions of service) to the Governments of Southern and Northern Ireland when the work of these departments was taken over.⁽²⁾ A Civil Service Committee was to be established in order to carry out these provisions, and to allocate the officials between the two Governments. The Committee was to consist of seven members—one appointed by the Treasury, one by a

(¹) S. R. & O. 1921, Nos. 1696 and 2006. (²) 1920, ss. 54–59.

Secretary of State, one by the Government of Southern Ireland, one by the Government of Northern Ireland, two by the existing Irish officers, and one (who was to be the chairman) by the Lord Chief Justice of England.⁽¹⁾ As no Government of Southern Ireland under the Act had come into being, it was found necessary in November, 1921, in view of the forthcoming transfer of services to the Government of Northern Ireland, by Order in Council to empower the Lord Lieutenant to nominate the representative of Southern Ireland upon the Committee.⁽²⁾ The civil servants were subsequently transferred from departments in Dublin to Northern Ireland in agreed cases, covered by an allocation by this Committee. The establishment of the Irish Free State rendered any representation of the Government of Southern Ireland upon this Committee impossible, and its constitution was altered by statute so as to consist of five members, —one to be appointed by the Treasury, one by a Secretary of State, one by the Government of Northern Ireland, one by the existing Irish officers transferred to the Government of Northern Ireland, and one (who was to be chairman) by the Lord Chief Justice of England.⁽³⁾

(1) 1920, s. 56.

(2) S.R. & O. 1921, No. 2005.

(3) 18 Geo. 5, c. 2 (Session 2), 1 Sched. (7).

8. TAXATION AND FINANCE

Customs and Excise Duties, Income Tax (including Super Tax), and any taxes on profits, are reserved by the Act to the Government and Parliament of the United Kingdom, and continue to be imposed and levied by that Government and Parliament, and to be paid into the United Kingdom Exchequer. But the intention of the Act is to apply Northern Ireland taxes to Northern Ireland purposes, and, therefore, after a deduction of the required contribution to Imperial liabilities and expenditure and the cost of reserved services, the balance is paid over to the Exchequer of Northern Ireland on the certificate of a Board, consisting of one member appointed by the Imperial Treasury, one by the Ministry of Finance for Northern Ireland, and a chairman appointed by His Majesty, and styled "the Joint Exchequer Board."⁽¹⁾ Apart from these classes of taxation, the Parliament of Northern Ireland has power to impose and collect taxes for the benefit of the local Exchequer, but with the specific limitation that it may not impose a general levy on capital.⁽²⁾ The effect of the Act was to continue all existing taxation in Northern Ireland,⁽³⁾ whilst dividing the jurisdiction between the two Parliaments, according as the taxation was of a class reserved to the United Kingdom authority or of a class which the new authority was given power to impose. Such taxation of the latter class as was in force at the time of the transfer (which may be termed "transferred taxation") has continued to be levied and imposed

⁽¹⁾ 1920, ss. 21, 22, 23, 24, 32; 13 Geo. 5, c. 2 (Session 2), 1 Sched.
⁽⁴⁾ ⁽⁵⁾.

⁽²⁾ 1920, s. 21.

⁽³⁾ 1920, s. 61.

under the authority of the Parliament of Northern Ireland, subject to a few alterations in amount and amendments of law.

The constitutional relation between the Crown and the new Parliament in the matter of transferred taxation was placed upon a definite basis by a resolution passed by the House of Commons of Northern Ireland on the 12th October, 1922, in the following terms:—

“That an Humble Address be presented to His Excellency the Lord Lieutenant, as followeth:—

Your Excellency, we, His Majesty's most dutiful and loyal subjects, the Commons of Northern Ireland in Parliament assembled, towards raising the necessary supplies to defray His Majesty's expenses in Northern Ireland, do, as from the appointed day for the purposes of the financial provisions of the Government of Ireland Act, 1920, freely and voluntarily give and grant unto His Majesty the several duties and taxes existing at the said appointed day, and available for raising the said supplies by virtue of grants made to His Majesty from time to time by the Parliament of the United Kingdom, being duties and taxes in respect of the imposing, charging, levying, and collection whereof the Parliament of Northern Ireland has as from that day power to make laws.”

The House ordered that the address “be presented to His Excellency by such members of this House as are of His Majesty's Privy Council in Ireland.”⁽¹⁾

As yet no taxation of a new class has been imposed by the Parliament of Northern Ireland, for the reason, no doubt, that the taxable capacity is largely absorbed by the reserved taxation, the yield of which is approximately seven times as great as that of the transferred taxation.

The Act set up a separate Exchequer and Consolidated Fund for Northern Ireland, and provided for the appointment by the Lord Lieutenant (now the Governor) of a Comptroller and Auditor-General.⁽²⁾

(¹) Parl. Pro. H. of C. (²) 1920, s. 20.

The Act also contemplated that, in the absence of express legislation by the Parliament of Northern Ireland, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom should apply to the local Exchequer and Consolidated Fund.⁽¹⁾ This matter, however, was dealt with during the first session of the new Parliament by the passing of the Exchequer and Audit Act, 1921, which was based upon the Exchequer and Audit Departments Act, 1866, and reproduced the provisions of that Act, with such modifications and extensions as seemed suitable to the system of government set up in Northern Ireland.⁽²⁾ The Act of 1921 dealt with the course of the Exchequer, public banking accounts, appropriation and other accounts, and the tenure of office and salary of the Comptroller and Auditor-General. For three months after the first meeting of the new Parliament (7th June to 6th September, 1921) Exchequer issues for bringing the Act into operation were made by the Lord Lieutenant on the authority of His Majesty's Treasury⁽³⁾; whilst, until the appointed day for the provisions of the Act relating to taxation (22nd November, 1921), the new Exchequer was kept in credit by advances out of the Civil Contingencies Fund of the United Kingdom. The first statute passed by the Parliament of Northern Ireland regularised the borrowing, and authorised the repayment, of temporary advances from this source up to an amount of £160,000,—which represented expenditure in connection with the cost of the first elections, the opening of the Parliament, and salaries of Parliamentary officers and officers engaged in advance of the general transfer of the civil service.⁽⁴⁾

In addition to the revenue derived from taxation,

(1) 1920, s. 20.

(2) 12 Geo. 5, c. 2 [N.I.]; 29 & 30 Vict., c. 39.

(3) S.R. & O. 1921, No. 1392; 1920, s. 34 (2).

(4) 12 Geo. 5, c. 1 [N.I.].

annuities payable by tenants who have bought their holdings under the Land Purchase Acts are collected by the Government of Northern Ireland, and that Government retains for the benefit of the local Exchequer so much of these annuities as is payable in respect of purchase agreements entered into before the passing of the Act.⁽¹⁾ The actual revenue from the annuities will gradually decrease, and cease altogether within a period probably not exceeding 68 years; but provision has been made by a Northern Ireland Act for the setting aside of moneys to secure, in lieu of this varying terminable revenue, a fixed revenue in perpetuity.⁽²⁾

The Government of Northern Ireland is entitled, under the Act, to receive from the Imperial Exchequer the initial cost of providing buildings and equipment for the accommodation of the Parliament and public departments.⁽³⁾

The Act provided that any charges upon the Imperial Exchequer for the benefit of the Local Taxation (Ireland) Account, or for other grants or contributions towards the cost of transferred public services, should cease, and that money for loans in Northern Ireland should cease to be advanced out of the Local Loans Fund.⁽⁴⁾ The Northern Ireland Parliament, however, adopted the policy of giving similar Exchequer assistance to local projects. In 1923 an Act was passed making provision for grants to be voted by Parliament annually in aid of local expenditure, in lieu of the grants formerly payable out of the Local Taxation (Ireland) Account⁽⁵⁾; and statutory authority has also been given for the voting of grants in aid of the repayment of loans borrowed by local authorities under the Labourers Acts and Housing of the Working Classes Acts.⁽⁶⁾ Local

(1) 1920, s. 26. (2) 13 Geo. 5, c. 4 [N.I.], s. 3.

(3) 1920, s. 34 (1). (4) 1920, s. 21 (2).

(5) 13 & 14 Geo. 5, c. 31, s. 10; 14 & 15 Geo. 5, c. 6 [N.I.].

(6) 13 & 14 Geo. 5, cc. 23, 30 [N.I.].

loans for Northern Ireland were for a time issued directly out of the local Exchequer, but in 1925 a separate Government Loans Fund was set up by statute for local loan issues—all issues being subject to the authority of an annual Act of Parliament, similar to the annual Public Works Loans Acts which control the Local Loans Fund in Great Britain. The fund is kept up by means of the issue of a Government stock called "Ulster Loans Stock."⁽¹⁾

Borrowing for the Exchequer to meet supply issues is authorised from time to time by Consolidated Fund Acts similar to those passed at Westminster. These Acts authorise the Ministry of Finance to borrow money, within the amount of the supply issues, by means of Treasury Bills or other short-term loans. Money can also be borrowed for the Exchequer by means of Ulster Savings Certificates created under the authority of the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, and regulations made by the Ministry of Finance under that Act.⁽²⁾ The principal of and the interest on the loans raised by the Government of Northern Ireland in this way are guaranteed by the Imperial Treasury under the Government of Northern Ireland (Loans Guarantee) Act, 1922.⁽³⁾

⁽¹⁾ 15 & 16 Geo. 5, c. 17 [N.I.]

⁽²⁾ 12 & 13 Geo. 5, c. 3 [N.I.]; S.R. & O. [N.I.], 1927, No. 6.

⁽³⁾ 12 & 13 Geo. 5, c. 24.

9. THE IMPERIAL CONTRIBUTION

The provisions originally made by the Act for an Imperial contribution from Ireland were, at the time of its passing, described as follows:—

“Ireland is to make an annual contribution to Imperial liabilities and expenditure. For each of the first two years the contribution is fixed *provisionally* at £18,000,000, of which 56 per cent. is to be borne by Southern Ireland and 44 per cent. by Northern Ireland. After the end of the second year the contributions are to be revised by the Joint Exchequer Board and to be fixed according to the relative taxable capacities of Southern Ireland and Northern Ireland and the United Kingdom, and, should the Board be of opinion that the £18,000,000 contributed in each of the first two years was excessive, or that the amount of the contribution in those years ought to have been apportioned between South and North in some other manner, the excess payments are to be credited to Ireland, or to South or North, as the case may be, and the accounts adjusted accordingly.”⁽¹⁾

The setting up of the Irish Free State, and the consequent limitation of the application of the Act to Northern Ireland alone, rendered some amendment of these provisions inevitable, and also afforded an opportunity for some slight changes in the financial procedure. The initial Northern Ireland contribution was apportioned at £7,920,000 a year, and the powers of the Joint Exchequer Board to determine a less sum were made exerciseable either before or after the end of the two-year period above-mentioned, and also before or after a contribution might have been made at the maximum rate. The Joint Exchequer Board was reconstituted so as to eliminate the Southern

⁽¹⁾ Government of Ireland Act, 1920. Summary of Main Provisions.

Ireland representation, which had been provisionally supplied by an appointment made by the Lord Lieutenant.⁽¹⁾ These and other changes were made by the Irish Free State (Consequential Provisions) Act, 1922.⁽²⁾ The most important financial change, however, was not the result of express legislation, but arose out of the report of a committee appointed on the 15th January, 1923, by the then Chancellor of the Exchequer (Mr. Baldwin), after consultation with the Prime Minister of Northern Ireland—

“To consider whether, in view of the ratification of the Constitution of the Irish Free State, any alteration is needed in the present scale of the contribution of Northern Ireland to the cost of Imperial services.”

The Committee was composed of Lord Colwyn (Chairman), Sir Laming Worthington-Evans, and Sir Josiah Stamp; it was officially described as the Northern Ireland Special Arbitration Committee, and is generally referred to as “the Colwyn Committee.”⁽³⁾ The Committee sat for more than two years, and the most important outcome of its labours was a formula for the ascertainment of the taxable capacity of Northern Ireland, framed on the understanding that it would be acted upon by the Joint Exchequer Board in determining the amount of the Imperial contribution. The Colwyn Committee took the important point—

“that the satisfaction of certain basic needs of local administration is essential before taxable capacity in an appropriate sense can be effective, and that it is in relation to a contribution to services other than those concerned with local administration that relative taxable capacity in the present circumstances has to be considered.”

(1) S. R. & O., 1921, No. 2005.

(2) 13 Geo. 5, c. 2 (Session 2).

(3) See the Final Report of the Northern Ireland Special Arbitration Committee. Presented to Parliament by command of H.M. 1925. Cmd. 2389.

They accordingly reported that in their opinion—
“due regard will have been had to the relative taxable capacities mentioned in the Acts [*i.e.*, the taxable capacities of Northern Ireland on the one hand and Great Britain and Ireland on the other hand] if the proportion to be contributed is based on the following lines:—

The extent to which the total revenue exceeds the actual and necessary expenditure in Northern Ireland shall be taken as the basic sum for determining the contribution”

Actual and necessary expenditure is to be measured by the sum required from time to time to provide for Northern Ireland an average standard of local service equal to the average standard obtaining at the same time in Great Britain. The amount of the contribution for any particular year is to be ascertained by reference to the basic sum, and to a calculation based upon the deviation of the figures for the year of contribution from those of a standard year. The financial year 1923–24 was taken as the standard, and for that year the Committee assigned to Northern Ireland a standard local expenditure of £6,345,791, as compared with £169,789,650 (subject to audit) assigned to Great Britain as the corresponding standard. The principles of the Colwyn Committee’s report are open to be reconsidered at the end of a period of five years, “unless the results of their application have proved sufficiently satisfactory to both sides to enable their being applied for a further period.”

10. THE JUDICIARY

The Supreme Court of Judicature of Northern Ireland consists of two divisions, one of which—the High Court—exercises the jurisdiction formerly exercised by the High Court in Ireland and its judges, and the other of which—the Court of Appeal—exercises the jurisdiction formerly exercised by the Court of Appeal in Ireland. The High Court consists of three judges, namely, the Lord Chief Justice, who is its president, and two puisne judges. The Court of Appeal consists of the Lord Chief Justice, who is its president, and two ordinary judges, known as Lords Justices of Appeal. The Lord Chief Justice may request any judge of the High Court to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal. Certain decisions of the Court of Appeal (including those which involve questions as to the validity of Acts of the Parliament of Northern Ireland) are subject to an appeal to the House of Lords. Under the Act, a High Court of Appeal was established for all Ireland, to which appeals lay from the Supreme Court of Southern Ireland as well as from that of Northern Ireland. This High Court of Appeal, when sitting, consisted of three judges sitting together, of whom one was the Lord Chancellor of Ireland, one the Lord Chief Justice of Southern Ireland or a judge nominated by him, and one the Lord Chief Justice of Northern Ireland or a judge nominated by him.⁽¹⁾ The Constitution of the Irish Free State created a new judicial system for Southern Ireland—Courts of First Instance, including the High Court, and a Court of Final Appeal, called the Supreme Court. The existence of a High Court of Appeal for

(¹) 1920, ss. 38–53.

all Ireland was inconsistent with this arrangement and was abolished by statute, together with the office of the Lord Chancellor of Ireland, its president.⁽¹⁾

The 1st October, 1921, was fixed as the appointed day for the provisions of the Act relating to the Supreme Court of Northern Ireland.⁽²⁾ Sir Denis Henry was appointed as the first Lord Chief Justice, and, upon his death in 1925, was succeeded by Lord Justice Moore, the senior of the two ordinary judges of the Court of Appeal.

Matters relating to the Supreme Court are reserved matters,⁽³⁾ and its judges are removable only on an address from both Houses of the Parliament of the United Kingdom, whilst their salaries and pensions remain chargeable on the Consolidated Fund of the United Kingdom.⁽⁴⁾ Although the Supreme Court, as such, is a reserved matter, law and order in general, including the county courts and the magistracy, are under the jurisdiction of the Parliament of Northern Ireland, which has full power to create offences and assign punishments for them, and to give jurisdiction to the lower courts involving appeals to the Supreme Court.

The chief law officer of the Crown is the Attorney-General for Northern Ireland. The appointment is ministerial, and made on the advice of the Government of the day. The salary of £2,500 is voted annually.⁽⁵⁾

Members of the Irish Bar who were called before the passing of the Act were made by it members of the Bar of Northern Ireland, having a right of audience in the Supreme Court.⁽⁶⁾ Since the passing of the Act the right of audience is given by a call from the Lord Chief Justice of Northern Ireland. An Inn of Court,

(1) 13 Geo. 5, c. 2 (Session 2). (2) S. R. & O. 1921, No. 1527.

(3) 1920, s. 47. (4) 1920, s. 41.

(5) 12 Geo. 5, c. 9; 13 & 14 Geo. 5, c. 18; [N.I.].

(6) 1920, 7 Sched., Pt. III. (4).

similar to the ancient voluntary societies existing in London and Dublin, was formed in January, 1926, when the judges of the Supreme Court and the members of the Bar met at the Law Courts, Belfast, for this purpose. The society is known as "The Honourable Society of the Inn of Court of Northern Ireland."

Solicitors of the Irish Supreme Court admitted before the passing of the Act were made by it Solicitors of the Supreme Court of Northern Ireland.⁽¹⁾ An Incorporated Law Society of Northern Ireland was established by Royal Charter in 1922, and an Act of the Parliament of Northern Ireland enables that society to exercise, as respects solicitors and their apprentices, the regulating and disciplinary powers formerly residing in the Incorporated Law Society of Ireland.⁽²⁾

(1) 1920, 7 Sched., Pt. III. (5).

(2) 12 & 13 Geo. 5, c. 19 [N.I.].

11. ADAPTATION OF LAW UNDER THE ACT

The Act provides for the continuance in Northern Ireland of all existing laws, subject to—

(i) the modifications necessary for adapting them to the Act; and

(ii) repeal and alteration by the Parliament of Northern Ireland, so far as such laws concern matters within its powers.⁽¹⁾

Thus, as the statute book at present stands, in order to ascertain the application to Northern Ireland of a statute passed by the Parliament of the United Kingdom at any time before the transfer of powers, the actual text of the enactment must be read together with the Government of Ireland Act, the Orders in Council made under the Act, and any repealing or amending enactments of the Parliament of Northern Ireland.

It was the Act itself, and not the Orders in Council, that accomplished, in law, the various transfers of power and administration as from the various appointed days. Although the orders are termed in the Act "Irish Transfer Orders,"⁽²⁾ they are distinguishable from Orders of His Majesty in Council which themselves accomplish a transfer, such as those empowered to be made for certain purposes under the Ministry of Health Act, 1919.⁽³⁾ The provisions of the Irish Transfer Orders fall, speaking in general terms, into two categories,—enabling a "going concern" to be handed over on the appointed day to the new legislature and executive, and translating the relevant passages in the existing statute book into terms of the Government of Ireland Act. In the former category

⁽¹⁾ 1920, s. 61.

⁽²⁾ 1920, s. 69.

⁽³⁾ 9 & 10 Geo. 5, c. 21, s. 3 (2) and (8).

of provisions, good instances will be found in the Government of Ireland (Companies, Societies, &c.) Order, 1922,⁽¹⁾ which provided for the separation from the existing registers of companies, partnerships, and friendly societies, of the parts appropriate to Northern Ireland, and for the future keeping, under Northern Ireland administration, of the separate parts as new registers. Of provisions in the latter category—which are adaptations in the strict sense—there is a long series. The gradual issue of the more important Orders in Council was timed by the various appointed days fixed for different activities. Thus, the orders adapting the election laws, in their application to elections for the Northern Ireland Parliament, were issued on the 22nd April, 1921⁽²⁾; the principal order dealing with Supreme Court enactments came out on 27th September, 1921, in view of the constitution, as from 1st October, of the new judiciary in Northern Ireland, and a “general adaptation” order appeared on the same day; whilst the orders adapting the enactments which relate to transferred administration appeared at various dates, beginning with 21st November, and corresponding with the actual transfers of services.⁽³⁾ When the constitution of the Irish Free State was ratified by statute at the end of 1922, an additional power of adaptation was given as respects Northern Ireland, so as to enable provision to be made for the new circumstances then arising.⁽⁴⁾ Under this power a Land Purchase Commission and a Registry of Deeds were established in Belfast as from the end of March, 1923.⁽⁵⁾

An Appendix has been prepared, so as to facilitate

(¹) S.R. & O. 1922, No. 184. (²) S.R. & O. 1921, Nos. 729, 781.

(³) These Orders were issued “provisionally,” under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66), on the dates above-mentioned: for the references to the “final” Orders see Appendix, p. 73.

(⁴) 13 Geo. 5, c. 2 (Session 2), s. 6.

(⁵) S.R. & O. 1923, Nos. 615, 614.

reference to the various adaptations.⁽¹⁾ Table (A) of this Appendix indicates the subject-matters of the statutes adapted, and specifies the orders by which the adaptations are made; Table (B) shows what substitutions are to be made in the text of the statute book where it refers to certain authorities, funds, and other matters affected by the operation of the Act. The substitutions shown in Table (B) are for the most part authorised by the two "Notifications" of 7th June, 1921 (issued by the Lord Lieutenant of Ireland under section 8 (3) of the Act), when read together with Article 4 (1) of the General Adaptation of Enactments (Northern Ireland) Order, 1921,⁽²⁾ which provides that—

"References to any department or authority of the United Kingdom Government, if they occur in relation to functions which under or in pursuance of the Act are transferred as respects Northern Ireland to any department, branch of a department, or authority of the Government of Northern Ireland, shall . . . be construed as references to the department, branch, or authority to which they are transferred."

A few of the substitutions rely directly upon the Act, or upon the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922.⁽³⁾ The substitution of a Ministry of Northern Ireland for separate bodies, such as the General Prisons Board, Local Government Board for Ireland, etc., is authorised by the combined operation of the "Notifications," the general rule of adaptation above-mentioned, and the Ministries of Northern Ireland Act, 1921, passed by the local Parliament.⁽⁴⁾ In the case of the Royal Ulster Constabulary, the "Council of Ireland services," and the non-contributory old age pensions service, the substitutions are authorised directly by local legislation.⁽⁵⁾

⁽¹⁾ p. 73.

⁽²⁾ S. R. & O. 1921, No. 1804.

⁽³⁾ 13 Geo. 5, c. 2 (Session 2). ⁽⁴⁾ 12 Geo. 5, c. 6 [N.I.].

⁽⁵⁾ 12 & 13 Geo. 5, c. 8; 16 Geo. 5, c. 4; 17 & 18 Geo. 5, c. 22; [N.I.].

12. CONSTITUTIONAL DEVELOPMENT SINCE THE PASSING OF THE ACT

It will have been noticed from a perusal of the above account of the Constitution of Northern Ireland that the original conception of that Constitution, as laid down in the Government of Ireland Act of 1920, has undergone considerable modification. It may, therefore, be convenient at this point to summarise briefly the amending legislation of a constitutional character, with reference to the events which led up to its enactment. The Irish Free State (Agreement) Act, 1922, which received the Royal Assent on 31st March, 1922, gave the force of law to the Articles of Agreement for a Treaty between Great Britain and Ireland, dated the 6th December, 1921.⁽¹⁾ That Agreement affected Northern Ireland (although she was not a party to it) in the following respects:—

(a) It purported to give Dominion status to Ireland as a whole. (Art. 1.)

(b) It put a stay upon the exercise of the powers of the Parliament and Government of the Irish Free State, as respects Northern Ireland, until the expiration of one month from the passing of a ratifying Act of Parliament—a period which was subsequently made to run from the 5th December, 1922. (Art. 11.)

(c) It enabled Northern Ireland to vote herself out of the Free State by means of an address presented to His Majesty by both Houses of the Parliament of Northern Ireland before the expiration of the month above referred to, but it attached to the presentation of such an address the consequence that a Commission was to be set up, consisting of three members,—one to be appointed by the Government of the Irish Free

⁽¹⁾ 12 Geo. 5, c. 4.

State, one to be appointed by the Government of Northern Ireland, and one (who was to be the chairman) to be appointed by the British Government,—in order to “determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland.” (Art. 12.)

(d) It expressly preserved the Council of Ireland and the Irish Free State representation thereon, whilst depriving the Council of any powers in that State. (Arts. 12 and 13.)

(e) It offered to Northern Ireland, as an alternative to going out of the Free State by address under Article 12, a continued existence under the Government of Ireland Act, subject to an overriding jurisdiction of the Parliament and Government of the Irish Free State in all matters in respect of which legislative power is withheld from the Parliament of Northern Ireland under that Act. (Art. 14.)

The matters referred to at (a), (b), and (e) soon ceased to possess any importance. The use of the term “Ireland” never amounted to more than a legal fiction, whilst the Parliament of Northern Ireland, immediately the “Ulster month” began to run, voted the Province out of the Free State by a unanimous address.⁽¹⁾ But the questions of the Boundary Commission (c) and the Council of Ireland (d) passed through various phases before they reached a final settlement.

⁽¹⁾ The House of Commons of Northern Ireland, on Thursday, 7th December, 1922, took action as follows:—

“Resolved, *nemine contradicente*, that an Humble Address be presented to His Majesty, as followeth:—

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Northern Ireland in Parliament assembled, having

The Council of Ireland.

The Council of Ireland was the first of these two questions to come up for legislative revision. As the result of an agreement between the British Government and the two Irish Governments, the following provision found a place in the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922,⁽¹⁾ which became law on the 5th December, 1922, upon the establishment of the Irish Free State:—

“3.—(1) The constitution of the Council of Ireland shall, learnt of the passing of the Irish Free State Constitution Act, 1922, being the Act of Parliament for the ratification of the Articles of Agreement for a Treaty between Great Britain and Ireland, do, by this Humble Address, pray Your Majesty that the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland.—(The Prime Minister.)

Ordered, that the said Address be communicated to the Senate, and their concurrence desired thereto.—(The Prime Minister.)

Ordered, that the Clerk do go to the Senate, and communicate the said Address, and desire their concurrence.

Ordered, that the said Address be presented to His Majesty by such Members of this House as are of His Majesty's Privy Council in Ireland.”

The Address was considered by the Senate of Northern Ireland on the same day, as follows:—

“It was moved by the Marquess of Londonderry to agree with the House of Commons in the Address to His Majesty, and to insert the words ‘Senators and’ before the word ‘Commons’ in the said Address.

The same was agreed to *nemine dissistente*.

Ordered, that the Marquess of Londonderry do present the Address on the part of this House.” (See Parl. Pro. H. of C. and Senate.)

The Address was presented to His Majesty on the 8th December, 1922, and His Majesty was pleased to give the following reply:—

“I have received the Address presented to me by both Houses of the Parliament of Northern Ireland, in pursuance of Article 12 of the Articles of Agreement set forth in the Schedule to the Irish Free State (Agreement) Act, 1922, and of Section 5 of the Irish Free State Constitution Act, 1922; and I have caused my Ministers and the Irish Free State Government to be so informed.” (v. Belfast Gazette, 15th December, 1922.)

The completion of these proceedings fulfilled the sole condition precedent to the operation of the constitutional changes provided for by s. 1, etc., of 18 Geo. 5, c. 2 (Session 2).

(¹) 18 Geo. 5, c. 2 (Session 2).

if identical Acts for the purpose are passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland, be altered in accordance with those Acts.

(2) The appointed day for the transfer in relation to Northern Ireland of the powers, which by the principal Act are made powers of the Council of Ireland, shall be such day as may hereafter be fixed by Order in Council not being earlier than the day on which any such identical Acts as aforesaid come into operation or the expiration of the period of five years from the passing of this Act, whichever may first happen”

As a result of this enactment, the legislative and administrative powers destined to be transferred to the Council of Ireland were treated as exercisable respectively by the Parliament and Government of the United Kingdom, and, in particular, the administrative powers as regards Fisheries and Diseases of Animals remained under an Order in Council⁽¹⁾ in the hands of the Secretary of State (for Home Affairs), who was represented in Belfast by an officer known as “the Imperial Secretary to the Governor.” In December, 1925, when a new Agreement was entered into in reference to the Boundary Commission, the question of the Council was incidentally disposed of.⁽²⁾

Art. 5 of that Agreement is as follows:—

“5. The powers in relation to Northern Ireland which by the Government of Ireland Act, 1920, are made powers of the Council of Ireland, shall be and are hereby transferred to and shall become powers of the Parliament and the Government of Northern Ireland; and the Governments of the Irish Free State and of Northern Ireland shall meet together as and when necessary for the purpose of considering matters of common interest arising out of or connected with the exercise and administration of the said powers.”

With the confirmation by the Imperial Parliament of this Agreement, and the consequent abolition of the Council of Ireland, an admitted anomaly in the

(1) S.R. & O. 1922, No. 316.

(2) See 15 & 16 Geo. 5, c. 77.

Constitution was finally removed. The administrative powers of the Council were assigned, as already mentioned, to departments of the local Executive by an Act of the Northern Ireland Parliament,⁽¹⁾ and the Imperial Secretary's office ceased to exist after the 31st March, 1926.

The Boundary Commission.

No settlement of the Boundary question was reached until four years had elapsed after the signing of the Agreement of December, 1921. The constitution of the Irish Free State came into operation by Royal Proclamation on the 6th December, 1922,⁽²⁾ the day following that on which the Royal Assent was given to the Irish Free State (Constitution) Act, 1922.⁽³⁾ By this time a Conservative Government under Mr. Bonar Law had succeeded to Mr. Lloyd George's Coalition Government, and the new Ministry during their year of office seemed to aspire to replace the Boundary Commission by some form of agreed settlement between Northern Ireland and the Free State. Efforts in this direction were also undertaken by the Labour Government which came into power in January, 1924, but without success. The Government of Northern Ireland, who had refrained from appointing their representative upon the Boundary Commission, were formally requested to do so, and refused. Accordingly, a set of questions was referred by His Majesty to the Judicial Committee of the Privy Council,⁽⁴⁾ the first of which was as follows:—

“Whether, in the absence of a Commissioner appointed by the Government of Northern Ireland, a Commission

(1) 16 Geo. 5, c. 4 [N.I.]. See p. 38 above.

(2) London Gazette, No. 32775 (8 Dec., 1922), published by authority.

(3) 13 Geo. 5, c. 1 (Session 2).

(4) Order in Council 25 June, 1924; see Cmd. 2214, 1924.

within the meaning of Article 12 of the Treaty will have been constituted, or can be competent to determine the boundary under that Article ? ”

Questions 2, 3, and 4 were concerned with the legality of appointing a Boundary Commissioner for Northern Ireland by any constitutional method, so long as the Ministers of Northern Ireland maintained their refusal. The following supplementary question was also referred to the Judicial Committee :—⁽¹⁾

“ If a Commission is duly constituted composed of (a) two persons or (b) three persons, whether in case (a) in the event of disagreement the Chairman will have a casting vote and in case (b) in the event of disagreement the vote of a majority will prevail ? ”

The Judicial Committee which sat to consider these questions consisted of five eminent lawyers—

Lord Dunedin (Lord of Appeal in Ordinary),
Lord Blanesburgh (Lord of Appeal in Ordinary),
Sir Lawrence Jenkins (Indian Judiciary),
Mr. Justice Duff (Canada), and
Sir Adrian Knox (Chief Justice of the Commonwealth of Australia).

The Lords of the Committee afforded an opportunity to the representatives of the Irish Free State and of Northern Ireland to appear, but the latter alone took advantage of the invitation. His Majesty's Attorney-General for England intimated a desire to be heard, which was acceded to.⁽²⁾ The answer to the first question was given in the negative, and the answers to questions 2, 3, and 4 rejected the possibility of the Boundary Commission being brought into being without further legislation. The answer to the supplementary question was to the effect—

⁽¹⁾ Order in Council 25 July, 1924; see Cmd. 2214, 1924.

⁽²⁾ Cmd. 2214, 1924. Report of the Judicial Committee of the Privy Council, as approved by Order in Council of 31 July, 1924.

•(a) That no casting vote would appertain to the Chairman of a Commission of two, unless power to that effect had been specifically given in the constituting instrument.

(b) That if no appointment of the third Commissioner were made, the Commission could not go on; yet, if once the three appointments had been made, a majority would rule.

The Irish Free State (Confirmation of Agreement) Bill, which was introduced immediately after the Judicial Committee had reported, and became law on the 9th October, 1924, confirmed a supplementary agreement between the British Government and the Government of the Irish Free State, whereby, in the event of the continued refusal of the Government of Northern Ireland to appoint a Boundary Commissioner, the power of appointment residing in that Government was to be transferred to, and exercised by, the British Government.⁽¹⁾ The British Government and the Government of the Irish Free State had, in the meantime, appointed their respective Commissioners: Mr. Justice Feetham, of the Union of South Africa, and Professor J. McNeill. Upon the passing of the new Act the British Government appointed Mr. J. R. Fisher as the Commissioner for Northern Ireland.

The Boundary Commission, having been thus legally constituted, occupied upwards of a year in visiting, and hearing evidence in, the various border districts in Ireland, and in considering the information obtained by their inquiries. In November, 1925, on the eve of the promulgation of a report by the Commission, the Free State Commissioner withdrew. A further conference was held between the three Governments represented on the Commission, and a further Irish Agreement was entered into on the 3rd December, 1925, upon the understanding that the report of the Commission should not be issued. By this Agreement

(1) 14 & 15 Geo. 5, c. 41.

the three Governments, "being united in amity" and "resolved mutually to aid one another in a spirit of neighbourly comradeship," achieved at length the settlement which is set out in Article 1:—

"The powers conferred by the proviso to Article 12 of the said Articles of Agreement [*i.e.*, the Agreement of 6th December, 1921] on the Commission therein mentioned are hereby revoked, and the extent of Northern Ireland for the purposes of the Government of Ireland Act, 1920, and of the said Articles of Agreement, shall be such as was fixed by sub-section (2) of section one of that Act."

Articles 2, 3, and 4 of this Agreement do not directly concern Northern Ireland, whilst Article 5, which relates to the Council of Ireland, has already been mentioned. The Agreement was confirmed by Acts of the Parliament of the United Kingdom⁽¹⁾ and the Parliament of the Irish Free State,⁽²⁾ and in the Parliament of Northern Ireland resolutions were adopted by both Houses approving of its terms.⁽³⁾

*The Irish Free State (Consequential Provisions)
Act, 1922.*⁽⁴⁾

The constitution of Northern Ireland could not, before the consummation of this last Agreement, have been described as being settled with finality. Nevertheless the majority of the points in which that constitution was affected by the setting up of the Irish Free State received attention from the Imperial legislature in a Bill which became law on the same day as the Bill providing for the Free State Constitution, namely, the Irish Free State (Consequential Provisions) Act, 1922. This Act contained various provisions,

⁽¹⁾ 15 & 16 Geo. 5, c. 77.

⁽²⁾ Act No. 40 of 1925 (Public Statutes of the Oireachtas, Dublin, 1926).

⁽³⁾ Parl. Pro. H. of C., 9 Dec., 1925; Senate, 9 Dec., 1925.

⁽⁴⁾ 13 Geo. 5, c. 2 (Session 2).

which were to take effect in the event of Northern Ireland voting herself out of the Irish Free State under Article 12 of the original Agreement. This voting out was immediately accomplished, and thus authority was given for various constitutional changes, some of which have already been mentioned in detail; *e.g.*, the provisions as to the Governor of Northern Ireland, the Privy Council of Northern Ireland, the abolition of the High Court of Appeal for Ireland, the abolition of the office of Lord Chancellor of Ireland, and the reconstitution of the Civil Service Committee and the Joint Exchequer Board.

*Constitutional Legislation by the Northern
Ireland Parliament.*

An account of the constitutional legislation subsequent to the Government of Ireland Act would not be complete without a mention of some measures of a constitutional nature passed by the local Parliament itself.

In the session of 1921 the Civil Service superannuation code was applied to new entrants to the Civil Service of Northern Ireland,⁽¹⁾ and the several administrative departments of the Government were incorporated.⁽²⁾ In the session of 1922 the regular police force of Northern Ireland—the Royal Ulster Constabulary—was established.⁽³⁾ This action was necessitated by the passing at Westminster of an Act which provided for the disbandment of the Royal Irish Constabulary, in lieu of the transfer to the Government of Northern Ireland of the members of the force serving in that area.⁽⁴⁾ The new force was established before the disbandment of the old was complete, and a considerable proportion of the disbanded members

⁽¹⁾ 12 Geo. 5, c. 3 [N.I.].

⁽²⁾ 12 & 13 Geo. 5, c. 8 [N.I.].

⁽³⁾ 12 Geo. 5, c. 6 [N.I.].

⁽⁴⁾ 12 & 13 Geo. 5, c. 55.

received appointments in the Ulster force. In the same year the Minister of Home Affairs was empowered by a temporary statute—since continued—to take drastic steps, as “civil authority,” for the suppression of disorder.⁽¹⁾ Statutes of 1922 and 1923 require an oath of allegiance to His Majesty’s Government of Northern Ireland to be taken by all persons in Government employment or in receipt of payment out of public funds,⁽²⁾ and by members and officers of local authorities.⁽³⁾

A Public Record Office of Northern Ireland was established in 1923, with a Deputy Keeper of Records, acting under the Minister of Finance.⁽⁴⁾

An Act of 1923 empowered the Governor to appoint a deputy to act for the Attorney-General,⁽⁵⁾ and the Ministers (Temporary Exercise of Powers) Act of the following year enabled the Governor to make provision for the performance of the functions of a Cabinet Minister, during temporary incapacity, by designating a Parliamentary Secretary or some other Minister to act on his behalf.⁽⁶⁾

The Commissions of the Peace Act of 1924⁽⁷⁾ simplified the former Irish procedure for making appointments to the magisterial bench, according to which, whenever a new appointment was made, an entire new Commission was issued under the Great Seal, reciting the names of all the magistrates for the county. The procedure laid down by the statute of 1924 follows the English procedure, as prescribed in rules made under the Crown Office Act, 1877; a single commission is issued for each county, with a schedule in which the names of justices are from time to time inserted or deleted.

By the County Officers and Courts Act of 1925,⁽⁸⁾

⁽¹⁾ 12 & 13 Geo. 5, c. 5 [N.I.]. ⁽²⁾ 13 & 14 Geo. 5, c. 7 [N.I.].

⁽³⁾ 12 & 13 Geo. 5, c. 16 [N.I.], s. 5. ⁽⁴⁾ 13 & 14 Geo. 5, c. 20 [N.I.].

⁽⁵⁾ 13 & 14 Geo. 5, c. 18 [N.I.], s. 2. ⁽⁶⁾ 14 & 15 Geo. 5, c. 11 [N.I.].

⁽⁷⁾ 14 & 15 Geo. 5, c. 8 [N.I.]. ⁽⁸⁾ 15 & 16 Geo. 5, c. 5 [N.I.].

a general county court service was set up in Northern Ireland, instead of the separate staffs located in each county. The Clerk of the Crown and Peace became eligible for transfer from one county to another, whilst the clerical assistants employed in the various Crown and Peace offices ceased to be the personal employees of the Clerk, and were required to be selected and employed directly by the State, and were made transferable throughout the various counties. Employment in this service was made permanent and pensionable, and placed under rules analogous to those of the Civil Service.

The Rules Publication Act of 1925⁽¹⁾ established a system similar to that of section 3 of the Rules Publication Act, 1893,⁽²⁾ so as to ensure that every exercise of a rule-making power by a Northern Ireland Government authority should be subject to publication at the time of exercise, and should be subsequently classified in an annual volume. The system of preliminary publication set up by sections 1 and 2 of the Act of 1893 was discarded. The authority for making regulations as to the method of publication under the Northern Ireland Act of 1925 consists of the Ministry of Finance, acting with the concurrence of the Lord Chief Justice and the Speakers of the Senate and House of Commons; and this authority is empowered to include within the scope of the Act certain non-Government authorities—as, for instance, authorities having power to make statutory rules relating to the qualification or conduct of members of a profession which the authority represents. The Act also prescribed a shortened period for the statutory laying of documents before the two Houses of Parliament—i.e., five sitting days, comprised within a minimum period of ten days in one or more sessions.

(1) 15 & 16 Geo. 5, c. 6 [N.I.].

(2) 56 & 57 Vict., c. 66.

In May, 1926, Parliament passed an Act⁽¹⁾ which empowers the Governor of Northern Ireland to proclaim that a state of emergency exists, if at any time it appears to him "that any action has been taken or is likely to be taken in the immediate future (whether in Northern Ireland or elsewhere) by any persons or body of persons, being action of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel, or light, or with the means of locomotion, to deprive the community in Northern Ireland, or any substantial portion of that community, of the essentials of life"; and during the currency of the proclamation regulations may be made by Order in Council for securing the essentials of life to the community. The Act is somewhat similar to the Emergency Powers Act, 1920, which was not applicable to any part of Ireland.⁽²⁾

The regulation of the Civil Service of Northern Ireland falls within the common law executive power of the Crown, and as such is, under the Act, exercisable by the Governor. The power was exercised, in certain important respects, by an order made by the Governor on the 11th July, 1923.⁽³⁾ This order appointed the Minister of Finance, together with two permanent officials, to be Civil Service Commissioners for Northern Ireland for certifying the qualifications of the persons proposed to be permanently appointed to any situation in the Civil Service. The order also provided that the Ministry of Finance should make regulations for controlling the conduct of the Civil Service, and prescribing the classification, remuneration, and other conditions of service of all persons employed therein, whether permanently or temporarily.

(1) 16 Geo. 5, c. 8 [N.I.].

(2) 10 & 11 Geo. 5, c. 55.

(3) The Belfast Gazette. Published by authority, Friday, July 27, 1923.

13. THE WORKING OF THE ACT

The steps which led up to the establishment of a local constitution for Northern Ireland, and the subsequent developments which brought that constitution to its present form, have been passed in review; and an analysis of the powers and functions of the Parliament and Government of Northern Ireland has been essayed. It may be fitting to conclude by touching briefly upon the actual working of that Parliament and Government.

The Parliament of 1921.

To the first House of Commons forty members were returned as Unionists—*i.e.*, as the Government party, —six as Nationalists and six as Sinn Feiners. The members of the Nationalist and Sinn Fein parties adopted a policy of non-recognition and refused to take their seats, so that the House consisted of a single party, with no definite opposition. A similar position arose in the Senate; the twenty-four elective members (chosen by the members of the House of Commons) and the Lord Mayor of Belfast (who sat *ex-officio*) were all Unionists, whilst the Mayor of Londonderry (the other *ex-officio* member) did not take his seat. Thus both Houses consisted entirely of members of the party whose leaders had accepted the Act of 1920, and had formed a Government to carry it into execution. The existence and functioning of the new Parliament and Government continued to be the subject of political dispute throughout the life of the first Parliament, and did not finally pass out of the realm of controversy until the conclusion of the Irish Agreement of December,

1925. The programme of the Government was, in the first place, to put down disorders actuated by the policy of non-recognition, and then to demonstrate the advantages of the Act by passing measures of social and administrative reform—notably the Acts setting up local education authorities,⁽¹⁾ amending the liquor licensing laws,⁽²⁾ and dealing with agricultural and rural problems, such as the improvement of live stock⁽³⁾ and the scutching of flax.⁽⁴⁾ The success of this programme was proved by the peaceful conditions obtaining in the country in March, 1925, when the first Parliament was dissolved, and by the solid legislative achievements which had by that date been added to the statute book.

The Parliament of 1925.

The party led by Sir James Craig (Viscount Craigavon) was returned to the second Parliament with a majority, the returns to the House of Commons being—Government, 33; Nationalist, 10; Labour, 3; Independent Unionist, 4; Sinn Fein, 2. By the end of the 1927 session the House of Commons consisted of fifty members, all except the two Sinn Feiners having taken their seats. The Senate remained Unionist, with the exception of one member. The Government in this Parliament adhered to their policy of carrying out, by means of the local constitution, social and administrative reforms—such as the Act for Widows', Orphans', and Old Age Contributory Pensions⁽⁵⁾—and applied themselves to the task of preserving for Northern Ireland an "average standard of service" equal to that from time to time provided by Parliament in Great Britain.

(¹) 13 & 14 Geo. 5, c. 21 [N.I.]. (²) 13 & 14 Geo. 5, c. 12 [N.I.].
 (³) 12 & 13 Geo. 5, c. 12 [N.I.]. (⁴) 13 & 14 Geo. 5, c. 17 [N.I.].
 (⁵) 15 & 16 Geo. 5, c. 23 [N.I.].

*Political and Economic Union with
Great Britain.*

The declared ideal of the party at present in the majority is the close union of Northern Ireland with Great Britain, and this ideal constantly inspires the legislative projects and administrative energies of the Government. The economic and industrial forces, moreover, which act upon Northern Ireland, show no signs of setting in a contrary direction. It is true that in many cases, where limited powers of self-government have been granted within the British Empire, there has arisen a demand for greater independence in relation to the Mother Country. But for Northern Ireland as an entity no such demand has seriously been made. The grant of a separate legislature and executive has led rather to uniformity, as between Northern Ireland and Great Britain, in respect of laws and social standards.

APPENDIX

TABLE (A).

Adaptation of Enactments of United Kingdom Parliament by Orders of His Majesty in Council.

Subject-matter of Enactments, or Title of Act.	Reference to No. of Adapting Order in Annual Volume of Statutory Rules and Orders.
Acquisition of Land	1922—No. 183 (37).
Agriculture	1922—No. 183, Pt. VI.
Alkali Works	1922—No. 78 (8).
Anthrax Prevention Act, 1919...	1922—No. 183 (35).
Army and Militia	1922—No. 183 (41).
Assurance Companies	1922—No. 184, Pt. III.; 1924— No. 1428.
Banks and Bank Notes	1922—No. 183 (36).
Building Societies	1922—No. 184, Pt. IV.
Census of Production Act, 1906	1922—No. 183 (33).
Children Act, 1908	1922—No. 78 (8).
Companies, Partnerships, etc. ...	1922—No. 184, Pt. II.
Corporation Profits Tax	1922—No. 80, Pt. VII.
Court House (Ireland) Act, 1840	1922—No. 79, Pt. IV.
Customs	1922—No. 80, Pt. VIII.
Dangerous Drugs	1922—No. 183 (35).
Death Duties	1922—No. 80, Pt. III., No. 487.
Defence of the Realm	1922—No. 183 (41).
Documentary Evidence	1922—No. 183 (38).
Education	1922—No. 352.
Election Laws (N.I. Parliament)	1921—Nos. 729 (9), 731; 1922— No. 1352 (4); 1924—No. 927.
Election Laws (U.K. Parliament).	1922—No. 1352 (except (4)); 1924 —No. 927.
Electricity	1922—No. 183 (30) (43).
Evidence	1922—No. 183 (38).
Excepted and Reserved Matters	1922—No. 183, Part IX.

Subject-matter of Enactments, or Title of Act.	Reference to No. of Adapting, Order in Annual Volume of Statutory Rules and Orders.
Excise Duties	1922—No. 80, Pt. V.
Factories and Workshops ...	1922—No. 183 (34).
Friendly Societies	1922—No. 184, Pt. IV.
Gas and Water Works Facilities	1922—No. 183 (31).
Harbours, Docks, and Piers ...	1922—No. 183 (32).
Health Insurance	1922—No. 444.
Home Office	1922—No. 183, Pt. II.
Homicides	1922—No. 183 (41).
Income Tax	1922—No. 80, Pt. VI.
Industrial and Provident Societies	1922—No. 184, Pt. IV.
Intestate Estates Act, 1884 ...	1927—No. 1204.
Irish (<i>i.e.</i> , Transferred) Services —General Adaptation ...	1921—No. 1804.
Land Law (General)	1922—No. 183, Pt. VII., and No. 1204.
Land Purchase	1922—No. 83; 1923—No. 615; 1927—Nos. 595 and 1061.
Local Government and Home Affairs	1922—No. 78; No. 183 (40).
Local Registration of Title ...	1922—No. 79, Pt. III.; 1924— No. 1221.
Lunacy Laws	1922—No. 78 (7).
Midwives	1922—No. 78 (4).
Municipal Corporations ...	1922—No. 78 (3).
Moneylenders	1922—No. 183, Pt. IV.
Nurses' Registration	1922—No. 78 (5).
Old Age Pensions	1922—No. 78 (9); 1922—No. 467.
Petitions of Right	1925—No. 1013.
Petty Sessions Clerks, etc. ...	1922—No. 77 (4).
Poor Relief	1922—No. 78 (3).
Probate Registries, etc. ...	1922—No. 79, Pt. II.
Probates (Resealing of) ...	1922—No. 81; 1923—No. 613.
Public Health (Excepted and Reserved Matters)	1922—No. 183 (42).
Railway and Canal Commission	1923—No. 612.
Registration of Deeds	1923—No. 614.

Subject-matter of Enactments, or Title of Act.	Reference to No. of Adapting Order in Annual Volume of Statutory Rules and Orders.
Roads and Road Transport ...	1922—No. 78 (6).
Sale of Offices Act, 1809 ...	1922—No. 183 (41).
Savings Banks	1922—No. 183 (44).
Scientific Societies	1922—No. 184, Pt. IV.
Special Constables	1922—No. 77 (5).
Stamp Duties	1922—No. 80, Pt. IV.
Summary Jurisdiction	1922—No. 77 (4).
Superannuation Act, 1834 ...	1923—No. 803 (6).
Supreme Court	1921—No. 1802; 1922—No. 79; 1923—No. 612 and No. 803 (5); 1927—Nos. 595 and 1061.
Taxation and Revenue (General)	1922—No. 80, Pts. I. and II.
Technical Instruction	1922—No. 352 (7).
Telegraph Acts	1922—No. 183 (43) (44).
Trade Unions	1922—No. 184, Pt. IV.
Tramways	1922—No. 183 (29).
Transferred Services—General	
Adaptation	1921—No. 1804.
Unemployment Insurance ...	1922—No. 185.
Universities	1922—No. 352 (8).
Weights and Measures	1922—No. 183, Pt. III.; 1923— No. 803 (4).

NOTE.—In the following cases enactments of the United Kingdom Parliament require to be read with adaptations made by statutes of the Parliament of Northern Ireland, i.e.:—

Constabulary	See 12 & 13 Geo. 5, c. 8.
Contagious Diseases of Animals ...	See 16 Geo. 5, c. 4.
Fisheries	See 16 Geo. 5, c. 4.
Old Age Pensions	See 17 & 18 Geo. 5, c. 22.
Railways	See 16 Geo. 5, c. 4.

TABLE (B).

Substitutions to be made for Northern Ireland, as respects Authorities, Funds, and certain other matters referred to in Enactments of the Parliament of the United Kingdom.

(NOTE.—The substitutions in column (2) of this Table are authorised by the "Assignment of Functions" notification and the General Adaptation of Enactments (Northern Ireland) Order, 1921 (S. R. & O. 1921, No. 1804), except in cases where particular provisions are cited in that column. The statutes cited in column (2) were passed by the Northern Ireland Parliament, except where the letters "U.K." are appended to the citation.)

1. AUTHORITIES.

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Attorney-General for Ireland (Intestate Estates).	Treasury Solicitor, or person nominated by him (S. R. & O. 1927, No. 1204).
Attorney-General for Ireland (transferred matters).	Attorney-General for Northern Ireland (S. R. & O. 1921, No. 1802).
Board of Trade (matters relating to labour and employment).	Ministry of Labour.
Board of Trade (Railways, Harbours, Gas, Electricity, etc.)	Ministry of Commerce (as to Railways, see 16 Geo. 5, c. 4).
Chief Secretary.	Appropriate Minister of Northern Ireland.
Commissioners of Charitable Donations and Bequests for Ireland.	Ministry of Finance (Advisory Committee appointed by Minister under 12 Geo. 5, c. 6).
Commissioners of Customs and Excise (Transferred Taxes).	Ministry of Finance.
Commissioners of Education (Endowed Schools).	Ministry of Education (separate body abolished by 12 Geo. 5, c. 6).

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Commissioners of Inland Revenue (Moneylenders).	Ministry of Commerce.
Commissioners of Inland Revenue (Transferred Taxes).	Ministry of Finance.
Commissioners of National Education.	Ministry of Education (separate body abolished by 12 Geo. 5, c. 6).
Commissioners of Public Works in Ireland.	Ministry of Finance (separate body abolished by 12 Geo. 5, c. 6).
Commissioner of Valuation.	Ministry of Finance (Commissioner appointed by Minister under 12 Geo. 5, c. 6).
Companies, Partnerships, etc. (Functions of Registrar).	Ministry of Commerce (Registrar appointed by Minister under 12 Geo. 5, c. 6) ; see also S. R. & O., 1922, No. 184 (Pt. II).
Comptroller and Auditor General.	Comptroller and Auditor General for Northern Ireland (10 & 11 Geo. 5, c. 67, s. 20 (3) (U.K.); 12 Geo. 5, c. 2, s. 28; 16 & 17 Geo. 5, c. 27, s. 5).
Department of Agriculture and Technical Instruction for Ireland (Agriculture and Rural Industries).	Ministry of Agriculture.
Department of Agriculture and Technical Instruction for Ireland (Contagious Diseases of Animals).	Ministry of Agriculture (16 Geo. 5, c. 4).
Department of Agriculture and Technical Instruction for Ireland (Fisheries).	Ministry of Commerce (16 Geo. 5, c. 4).
Department of Agriculture and Technical Instruction for Ireland (Sailors and Soldiers) (Gifts for Land Settlement).	Secretary of State (S. R. & O. 1922, No. 183 (41) (i)).

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Department of Agriculture and Technical Instruction for Ireland (Technical Instruction). Deputy Keeper of Records for Ireland.	Ministry of Education. Deputy Keeper of Records of Northern Ireland (appointed by Minister of Finance under 13 & 14 Geo. 5, c. 20).
Development Commissioners.	Ministry of Finance (separate body abolished by 12 Geo. 5, c. 6).
Electricity Commissioners.	Electricity Commissioners for Northern Ireland (S. R. & O. 1922, No. 183 (30)).
Forestry Commissioners.	Ministry of Agriculture (separate body abolished by 12 Geo. 5, c. 6).
Friendly Societies (functions of Assistant Registrar for Ireland, Chief Registrar, Central Office and Treasury).	Ministry of Commerce (Registrar appointed by Minister under 12 Geo. 5, c. 6; see also S. R. & O. 1922, No. 184 (Pt. IV.))
General Prisons Board for Ireland.	Ministry of Home Affairs (separate body abolished by 12 Geo. 5, c. 6).
Government Printer.	Officer appointed to print the Acts of the Parliament of Northern Ireland (S. R. & O. 1922, No. 183 (39)).
His Majesty or His Majesty in Council (presentation of addresses by Parliament, annulment of Orders, etc.)	Governor or Governor in Council (S. R. & O. 1922, No. 77 (6), and 13 Geo. 5, c. 2 (Sess. 2) (U.K.)).
Home Office (Factories and Workshops, Workmen's Compensation).	Ministry of Labour.
Inspectors of Lunatics.	Ministry of Home Affairs (Officers of—separate body abolished by 12 Geo. 5, c. 6).

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Inspector of Reformatories and Industrial Schools.	Ministry of Home Affairs (Officer of—separate department abolished by 12 Geo. 5, c. 6).
Intermediate Education Board for Ireland.	Ministry of Education (separate body abolished by 12 Geo. 5, c. 6).
Irish Insurance Commissioners.	Ministry of Labour (separate body abolished by 12 Geo. 5, c. 6).
Irish Land Commission (Land Purchase).	Land Purchase Commission, Northern Ireland (S. R. & O. 1923, No. 615).
Irish Land Commission (Land Law administration generally)	Ministry of Finance (see also S. R. & O. 1922, No. 183 (27); No. 1204).
Judicial Commissioner (Land Purchase).	Land Purchase Commissioner. Northern Ireland (S. R. & O. 1923, No. 615; 1927, Nos. 595 and 1061).
Judicial Commissioner (Land Law appeals and re-hearings).	Judge of Supreme Court of Northern Ireland nominated by Lord Chief Justice (S. R. & O. 1922, No. 183 (27); No. 1204).
King's Printer.	Officer appointed to print Acts of the Parliament of Northern Ireland — has also Letters Patent as King's Printer for Northern Ireland (S. R. & O. 1922, No. 183 (39)).
Local Government Board (Alkali, etc., Works (Regulation) Act, 1906).	Ministry of Home Affairs (S. R. & O. 1922, No. 78 (3); 12 Geo. 5, c. 6).
Local Government Board for Ireland (General).	Ministry of Home Affairs (separate body abolished by 12 Geo. 5, c. 6).
Local Government Board for Ireland (Land for Sailors and Soldiers).	Irish Sailors' and Soldiers' Land Trust (established under s. 3 of 13 Geo. 5, c. 2 (Sess. 2) (U.K.)).

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Local Government Board for Ireland (Old Age Pensions).	Ministry of Labour (Pension officers, local pension courts and umpire appointed under 17 & 18 Geo. 5, c. 22).
Local Government Board for Ireland (quarantine and imported food).	Secretary of State (U.K.), after consultation with the appropriate Ministry for Northern Ireland (S.R. & O. 1922, No. 183(42)).
Lord Chancellor of Ireland (executive functions, including Keeper of Great Seal of Ireland).	Governor of Northern Ireland (10 & 11 Geo. 5, c. 67 (U.K.), s. 44 (2); 13 Geo. 5, c. 2 (Sess. 2) (U.K.))
Lord Chancellor of Ireland (Head of Judiciary, and lunacy matters).	Lord Chief Justice of Northern Ireland (S. R. & O. 1921, No. 1802).
Lord Chancellor of Ireland (ss. 4 and 5 of Railway and Canal Traffic Act, 1888).	Secretary of State (U.K.) (S. R. & O. 1923, No. 612).
Lord Lieutenant of Ireland.	Governor of Northern Ireland (18 Geo. 5, c. 2 (Sess. 2) (U.K.))
Master of Rolls in Ireland (Public Records).	Minister of Finance, as Keeper of Public Records of Northern Ireland (see 10 & 11 Geo. 5, c. 67 (U.K.), ss. 9 (2) and 45; 13 Geo. 5, c. 2 (Sess. 2) (U.K.); 13 & 14 Geo. 5, c. 20).
Ministry of Labour.	Ministry of Labour.
Ministry of Transport (Railways).	Ministry of Commerce (16 Geo. 5, c. 4).
Ministry of Transport (Roads).	Ministry of Home Affairs.
Ministry of Transport (functions affecting Postmaster-General)	Minister of Transport ((U.K.) S. R. & O. 1922, No. 183 (43)).
Ordnance Survey (Ministry of Agriculture).	Ministry of Agriculture.
Parliament and Houses of Parliament (transferred matters).	Parliament of Northern Ireland and Houses of that Parliament.

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Private Bill Procedure :— Chairman of Committees in House of Lords.	Private Bill Procedure :— Speaker of the Senate.
Committee of either House of Parliament.	Joint Committee of both Houses of Parliament.
Standing Orders of either House of Parliament.	Standing Orders made jointly by the Senate and House of Commons.
Taxing Officer of either House.	Taxing Officer of the Parliament of Northern Ireland (14 & 15 Geo. 5, c. 9).
Privy Council of Ireland.	Privy Council of Northern Ireland (13 Geo. 5, c. 2 (Sess. 2) (U.K.)).
Probate (principal Registry in Dublin).	Probate (principal Registry in Belfast) (S. R. & O. 1922, No. 79).
Public Record Office of Ireland.	Public Record Office of Northern Ireland (13 & 14 Geo. 5, c. 20).
Registrar of Petty Sessions Clerks	Ministry of Home Affairs.
Registrar of Titles; central office in Dublin.	Registrar of Titles in Northern Ireland; central office in Belfast (S. R. & O. 1922, No. 79).
Registrar - General (Births, Deaths, and Marriages).	Ministry of Finance (Registrar appointed by Minister under 12 Geo. 5, c. 6).
Registry of Deeds (Dublin).	Registry of Deeds for Northern Ireland (Belfast) (S. R. & O. 1923, No. 614).
Royal Irish Constabulary; Inspector - General, officers, and constables of that force.	Royal Ulster Constabulary; Inspector-General of that force, and officers and constables of that force, having rank and functions corresponding to those of officers and constables of the Royal Irish Constabulary (12 & 13 Geo. 5, c. 8).

(1) Former authority for United Kingdom or for Ireland.	(2) Substituted authority for Northern Ireland.
Supreme Court of Judicature in Ireland, His Majesty's Court of Appeal, and His Majesty's High Court of Justice in Ireland.	Supreme Court of Judicature of Northern Ireland, His Majesty's Court of Appeal, and His Majesty's High Court of Justice in Northern Ireland (S. R. & O. 1921, No. 1802).
Treasury (Financial and Parliamentary business, Civil Service, and Stationery Office).	Ministry of Finance.
Treasury (officers for Old Age Pensions).	Ministry of Labour (17 & 18 Geo. 5, c. 22).
Treasury (functions as to Friendly Societies, etc.)	Ministry of Commerce (S. R. & O. 1922, No. 184 (Pt. IV.)).
Treasury Solicitor (Intestate Estates Act, 1884, s. 6).	Treasury Solicitor, or person nominated by him (S. R. & O. 1927, No. 1204).
Under-Secretary to the Lord Lieutenant of Ireland.	No corresponding Office.

2. FUNDS.

(1) Original Fund.	(2) Northern Ireland Fund.
Consolidated Fund (Transferred Matters). Exchequer (Transferred Matters) General Cattle Diseases Fund.	Consolidated Fund of Northern Ireland. Exchequer of Northern Ireland. General Cattle Diseases Fund for Northern Ireland (16 Geo. 5, c. 4, s. 10).
Guarantee Fund (Land Purchase).	No corresponding Fund.

(1) Original Fund.	(2) Northern Ireland Fund.
Ireland Development Grant.	No corresponding Fund. (Grants for Development made from voted moneys; see also 17 & 18 Geo. 5, c. 10, s. 3, as to Agricultural Development Fund.)
Irish Housing Fund.	No corresponding Fund. (Assistance for Repayment of Loans voted under 13 & 14 Geo. 5, c. 30, s. 4).
Labourers Cottages Fund.	No corresponding Fund. (Assistance for Repayment of Loans voted under 13 & 14 Geo. 5, c. 23, and 17 Geo. 5, c. 4.)
Local Loans Fund.	Government Loans Fund (15 & 16 Geo. 5, c. 17).
Local Taxation (Ireland) Account.	No corresponding Fund (Grants in aid of Local Expenditure voted under 13 & 14 Geo. 5, c. 31; 14 & 15 Geo. 5, c. 6, s. 2.)
National Health Insurance Fund (and Irish N.H.I. Fund).	Northern Ireland National Health Insurance Fund (S. R. & O. 1922, No. 444; and 14 & 15 Geo. 5, c. 38 (U.K.)).
Petty Sessions Clerks Fund.	Petty Sessions Clerks (Northern Ireland) Fund (S. R. & O. 1922, No. 77 (4)).
Road Fund.	Road Fund (Northern Ireland) (S. R. & O. 1922, No. 78 (6)).
Teachers' Pensions Fund (National School Teachers).	Teachers' Superannuation Fund (16 & 17 Geo. 5, c. 16).
Unemployment Fund.	Northern Irish Unemployment Fund (S. R. & O. 1922, No. 185).

8. MISCELLANEOUS REFERENCES.

(1) Original Reference.	(2) Adaptations.
Bank of Ireland (Transferred Exchequer Matters).	Exchequer Bank (Belfast Banking Co., appointed under s. 1 of 12 Geo. 5, c. 2). Belfast.
Dublin (Superior Courts and Officers, or Offices, whose functions have been transferred). Dublin Gazette.	Belfast Gazette (see also S. R. & O. 1923, No. 808 (3)).
Great Seal of Ireland.	Great Seal of Northern Ireland (18 Geo. 5, c. 2 Sess. 2) (U.K.). Northern Ireland.
Ireland (Counties or areas of local jurisdiction).	Belfast Gazette (S. R. & O. 1921, No. 731 (7); S. R. & O. 1922, No. 183 (4)).
London Gazette (Elections to Parliament of Northern Ireland; Explosives Act, 1875).	

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